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**Sent**: 12/10/2018 2:30:40 PM

Subject: News Clips

# **Region 2 News Clips**

New Chemical Substitutes Threaten To Undermine NJ's Cutting-Edge Rules On PFAS (NJ SPOTLIGHT; December 10, 2018)

New Jersey's nation-leading efforts to protect the public from a class of toxic chemicals in drinking water are being threatened by the emergence of substitutes that may be just as hazardous to human health, experts argue.

Experts: Lead exposure a concern for Bordentown children (BURLINGTON COUNTY TIMES; December 9, 2018)

A pair of health experts from the University of Pennsylvania are warning that children in Bordentown City and Township should stop consuming drinking water unless it has been tested for lead or filtered, as newly released testing results show continued high levels of lead in the tap water of some area homes, marking more than a year since the problem was first identified.

Water system managers plan for upgrades, but funding is scarce (NJTV NEWS; December 7, 2018)

New Jersey Department of Environmental Protection Commissioner Catherine McCabe says the way responsibility is divvied up among so many different entities complicates the work to fix the state's aging water infrastructure. It also doesn't help that it's going to take billions of dollars over decades, and McCabe says they only have millions at this point.

DEC rejects camera crew inside Tonawanda Coke, citing 'legal restrictions' (WGRZ; December 7, 2018)

Just three pictures...That's how many images, captured inside the gates of Tonawanda Coke, that the New York State Department of Environmental Conservation sent to 2 On Your Side when we asked to see what's going on at the facility.

Environmental Bullies Are Picking On NJ Minorities, Poor: Lawsuit (PATCH; December 7, 2018)

It's a new day for environmental enforcement in New Jersey, state officials say. And that means putting eight alleged environmental bullies on notice: no more picking on the state's low-income and minority communities.

NJ Sues Polluters of Low-Income Communities, Wants 'Environmental Justice' (NJ SPOTLIGHT; December 7, 2018)

Hundreds of Little League players use a Camden park that's contaminated with lead and arsenic from a former factory and is being cleaned up with state dollars because the responsible party went out of business long ago.

Gov. Phil Murphy dumps Chris Christie's septic plan for Highlands (NORTH JERSEY RECORD; December 7, 2018)

Gov. Phil Murphy's administration is officially dumping a plan made by his predecessor that would have allowed more development in the Highlands reservoir region by increasing the amount of septic systems permitted in an area protected by state law.

<u>Liquid gold: State hands out thousands to four groups for projects to clean up Coney Island Creek</u> (BROOKLYN DAILY; December 7, 2018)

They're cashing in on the Coney Island Creek.

NJ Attorney General files lawsuit to force cleanup of Palmyra site (BURLINGTON COUNTY TIMES; December 6, 2018)

New Jersey's attorney general and environmental commissioner announced a series of lawsuits against alleged polluters on Thursday, including the owners and operators of a long-abandoned landfill and recycling business off Route 73.

Why is county rushing to build Onondaga Lake trail on toxic land, critics ask (SYRACUSE.COM; December 6, 2018)

Onondaga County plans to build a 1-mile bike trail next summer on contaminated land near Destiny USA, even though the state and critics say construction shouldn't start until a final cleanup plan is in place.

Meadowlands mayors to proposed power plant: We don't want you (NORTH JERSEY RECORD; December 6, 2018)

Leaders from almost all the towns in the Meadowlands have called on Gov. Phil Murphy to block plans to build a large, gas-fired power plant in the district that would send power only to New York City.

NY report: Islanders development at Belmont would boost congestion (NEWSDAY; December 6, 2018)

A \$1.2 billion plan to build a new Islanders arena and entertainment complex at Belmont Park will increase traffic congestion in the area, even with additional Long Island Rail Road trains running to and from the site on game days, a new report said.

SUNY urged to tighten controls on toxic materials at schools (NIAGARA-GAZETTE; December 6, 2018)

State Comptroller Thomas DiNapoli is urging State University administrators to address "weaknesses" in safeguarding the system's students and staffers from hazardous materials stored at its campuses.

# **PUERTO RICO / VIRGIN ISLANDS**

The challenge of the management of landfills (EL VOCERO; December 10, 2018) \*translated via Google Translate\*

Most of the municipal and private landfills that exist in Puerto Rico are approaching or operating beyond their reasonable waste capacity, which represents a challenge for the Environmental Protection Agency (EPA).

Doubts with the rubble (EL VOCERO; December 10, 2018) \*translated via Google Translate\*

The document Plan of Action for Disaster Recovery that the government submitted to the federal Department of Housing to use the \$ 1,500 million allocated to rebuild housing and other economic development projects in Puerto Rico lacks a strategy for the management of the debris generate in the constructions, since the dumps of the Country -in their majority- are full.

Government agrees to pay wastewater plant operator (VI DAILY NEWS; December 7, 2018)

The Virgin Islands government has agreed to pay the \$5.6 million owed to the operator of two public wastewater treatment plants, averting a potential public health crisis after the company threatened to cease operations because of nonpayment.

Climate Change in Virgin Islands Gets Renewed Focus (ST. CROIX SOURCE; December 6, 2018)

The U.S. Virgin Islands government's focus on global climate change has been spotty in the 21st century but two intense hurricanes and a federal report may strengthen the focus again.

National News Coal The Daily Beast: EPA Cuts Livestream of Press Conference on Future of Coal as Q&A Begins

Overnight Energy: Senate confirms controversial energy pick | EPA plans rollback of Obama coal emissions rule | GOP donor gave Pruitt \$50K for legal defense

E&E News: Even EPA doubts weakened rules will spur struggling industry

E&E News: Republicans say rollback paints rosy picture for coal

Jurist: EPA proposes changes to coal plant emissions limits

CBS: Trump EPA acts to roll back control on climate-changing coal

WPM: Trump's EPA Looks To Keep Coal-Fired Power Plants Alive

Quartz: The EPA chief's claims about coal's health impact contradict reports from his own agency

#### Air

Environmental Defense Fund: EPA Finalizes "Bad Neighbor Rule" Exposing Hundreds of Communities in Eastern States and Texas to Cross-State Air Pollution

#### Administration

Politico: 'Significant' questions buried in EPA proposal

#### **WOTUS**

The Hill: EPA to propose easing Obama water rule

# **Sterigenics**

Chicago Tribune: New EPA tests near Sterigenics show ethylene oxide cancer risks haven't disappeared

# **Full Articles**

# Region 2 News

NJ SPOTLIGHT

New Chemical Substitutes Threaten To Undermine NJ's Cutting-Edge Rules On PFAS

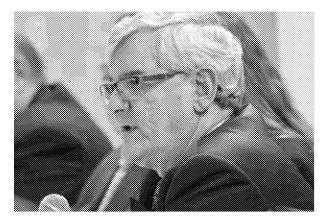
December 10, 2018

New Jersey's nation-leading efforts to protect the public from a class of toxic chemicals in drinking water are being threatened by the emergence of substitutes that may be just as hazardous to human health, experts argue.

At a public roundtable on PFAS chemicals, hosted by NJ Spotlight last Wednesday, scientists said chemical manufacturers have responded to increasing regulation of the chemicals by New Jersey and other states by introducing so-called short-chain alternatives, such as the chemical Gen-X, that serve the same purposes but have not been fully vetted by regulators.

Although the substitutes have not been subject to the same rigorous evaluation as the original chemicals, there are signs that they are equally toxic, according to the chairman of New Jersey's Drinking Water Quality Institute, a scientific panel that advises the Department of Environmental Protection.

"Many times, these have not really been tested on rodents, they have not gone through a full toxicity screening," said Dr. Keith Cooper, a Rutgers University toxicologist. "Some of the early studies that have been done on Gen-X, it seems to be extremely toxic as well," Cooper told the meeting at Camden County Community College.



Dr. Keith Cooper, Professor of Toxicology, Rutgers University and chairman of the New Jersey Drinking Water Quality Institute

He said the short-chain compounds have similar mechanisms to long-chain PFAS chemicals such as PFOA and PFOS. "The toxicity may still be present even though they are only present for a shorter period of time," Cooper said.

#### Not enough research

But because of a shortage of research on the new chemicals, scientists and regulators know "very little" about the shorter-chain PFASs, he said.

New Jersey regulators are in the process of placing some of the nation's strictest limits on three of the longer-chain chemicals — PFNA, PFOA and PFOS — because of their links with illnesses including cancer, immune-system and thyroid problems, low infant birth weight, and elevated cholesterol.

As a class, PFAS chemicals have been used in consumer products like nonstick cookware and flame-retardant fabrics since about the 1940s. Even though PFOA and PFOS are no longer made in the United States because of an agreement between manufacturers, they are widespread in the environment because they are designed not to break down; they have been found more commonly in New Jersey water sources than in many other states.

A possible solution to the challenge of regulating the new short-chain chemicals could be to regulate the whole PFAS class, said Anthony Matarazzo, senior director of water quality and environmental management at New Jersey American Water, the state's biggest water utility.



Anthony Matarazzo, senior director for Water Quality and Environmental Management, New Jersey American Water

"Recognizing that PFOA and PFOS are being targeted, industry quickly changed to a short-chain replacement," based on the belief that it would be eliminated by the body faster, Matarazzo said. "But what they did find was that it has a lot of the same health effects as the legacy PFASs."

Regulating the entire class rather than just individual chemicals would mean that scientists could avoid playing "whackamole" to respond to new chemicals as they emerged, he argued.

In response to the new concerns, New Jersey American Water is cooperating with state officials to look at the substitute compounds at a couple of its locations, Matarazzo said.

Meanwhile, DEP officials are evaluating the DWQl's recommendations on PFOA and PFOS but at a pace that clean-water advocates say is much too slow.

It took the DEP four years to adopt the DWQI's recommendation for PFNA, which has set a national benchmark for regulating the chemical, said panelist Tracy Carluccio, deputy director of the environmental group Delaware Riverkeeper Network, and a long-time advocate for tougher limits on the chemicals.

# DEP's 'inexplicable' foot-dragging

And she accused the DEP of "inexplicable" foot-dragging in its evaluation of PFOA and PFOS, which the DWQI says should also be subject to low limits. The DWQI recommended maximum contaminant limits (MCLs) for those chemicals in March of 2017 and May of 2018, respectively, and the DEP accepted the recommendations but has yet to implement those standards.

"It makes no sense," Carluccio said. "New Jersey has done its homework. DWQI scientists completed their risk assessment to both [chemicals], developed health-based MCLs, evaluated and approved treatment methods, and handed the MCLs basically on a silver platter to DEP."

Gary Buchanan, the DEP's director of science and research, held out little prospect that the MCL process can move any faster.

"State government does not move quickly," he said. "It takes time to get things right. We want to use the right science, the best available science. We want to consider all the options. We want to talk to all of our stakeholders. We also have to look at costs."

But Buchanan said New Jersey will not wait for any PFAS regulation by the federal government, which issues only non-enforceable health advisories on some PFAS chemicals at levels that advocates say are much too high to protect public health.

#### EPA's much looser limits

The U.S. Environmental Protection Agency's recommended limits on PFOA and PFOS are much looser than those now under review by the New Jersey DEP, and a lot higher than standards advocated this year by another federal agency, the Agency for Toxic Substances and Disease Registry.

The EPA says it is looking at whether to regulate PFOA and PFOS, a decision that may be included in a national management plan which the agency has promised to publish by the end of 2018.

But the federal regulatory process takes years, and advocates say the problem of PFAS chemicals in drinking water can be tackled much more quickly by states, and by individual water systems, even if they are not legally required to do so.

Richard Calbi, director of operations at Ridgewood Water Municipal Utilities Authority, said his utility has been challenged by wide differences between state requirements and federal recommendations on PFAS, leaving customers confused and anxious.

In an effort to keep people informed, the utility held public forums in each of the four towns where it operates, serving about 61,000 people overall. The meetings were poorly attended, Calbi said, although customers call every day asking the utility what it is doing about PFAS chemicals in public water.

Ridgewood has spent about \$3.5 million so far on installing granular activated carbon filtration to remove PFAS from its system, and those costs have been passed on to ratepayers, Calbi said.

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#### **BURLINGTON COUNTY TIMES**

Experts: Lead exposure a concern for Bordentown children

By Kyle Bagenstose

December 9, 2018

A pair of health experts from the University of Pennsylvania are warning that children in Bordentown City and Township should stop consuming drinking water unless it has been tested for lead or filtered, as newly released testing results show continued high levels of lead in the tap water of some area homes, marking more than a year since the problem was first identified.

According to a new review by this news organization, about one-third of 84 Bordentown homes tested as part of the area's official federal testing in the past year have been found to contain the toxic metal at levels exceeding federal standards on at least one occasion. In a separate, voluntary testing program offered by the city, about one-fifth of 98 homes tested also came back above the standard. And in one home tested as recently as **Oct. 29**, the amount of lead was 720 parts per billion, 48 times the Environmental Protection Agency's 15 ppb action level.

An early October test at one home's water meter found **123 ppb**, or more than eight times the EPA threshold. Tests performed at the water meter typically are used to assess whether a contaminant is coming from inside or outside a home, since the water has not yet entered the residence. The city said in a statement it is now digging up some roads and homeowners' properties to investigate potential sources of lead outside the homes.

The findings come from a review of publicly available testing data as well as additional testing data received from Bordentown City through an open records request. The city's water system serves all of the city as well as neighboring Bordentown Township, serving a combined population of about 16,000 people.

The water system has struggled with high lead levels for more than a year, exceeding the EPA lead standards in **two consecutive** six-month testing periods, one ending last **December** and another in **June**, after more than 10 percent of tested homes came back above 15 ppb. Over the summer, the city began offering a **voluntary program** for free lead testing for any homeowners who wished to receive one. In late November, the city provided **results** for the first 98 homes that participated in the program, showing 21 came back above 15 ppb.

The other 84 homes were tested over the past year as part of the city's official compliance with the EPA's Lead and Copper Rule requirements, with 29 showing 15 ppb on at least one occasion, although some were tested several times and on other occasions fell below the threshold. According to Bordentown City officials, "there is some overlap" between the two lists of homes, meaning the exact number of homes tested and exceeding 15 ppb cannot be determined. It appears that a little less than half of the homes tested by the city have shown no lead or less than 1 ppb.

About 6,600 homes are served by the water system, meaning the vast majority have not been tested. **Asked about** the testing results, city officials cautioned against extrapolating the percentage of homes testing high so far to all homes served by the system.

#### What you can do

The New Jersey Department of Environmental Protection recommends the following to reduce lead exposure in water:

Run your water to flush out lead. If a faucet hasn't been used for several hours, run the water for 15 to 30 seconds or until it becomes cold or reaches a steady temperature before using it for drinking or cooking. This flushes any lead particles in water from the pipes.

**Use cold water for cooking and preparing baby formula.** Do not cook with or drink water from the hot water tap; lead dissolves more readily in hot water.

**Test the water.** Contact your water system or a certified drinking water laboratory to have your home drinking water tested for lead.

Do not boil water to remove lead. Boiling water will not remove lead from the water.

**Use alternate sources or treatment of water.** Consider using bottled water for drinking and cooking, or a water filter designed to remove lead. Read the package to be sure the filter is approved to reduce lead or contact NSF International at 800-NSF-8010 or nsf.org for information on performance standards for water filters. Be sure to maintain and replace a filter device in accordance with the manufacturer's standards to ensure water quality.

**Get your child tested.** Contact your local health department or health care provider to find out how to get your child tested for lead if you are concerned about lead exposure.

"While the city does not disagree (with the analysis) ... the City cautions against citing percentages because the sample size that you are referencing does not provide the full picture and may be misleading if applied across all water customers," the city wrote in an email.

Still, two health experts interviewed by this news organization expressed alarm at the ratio of homes coming back so far with elevated lead levels, as well as the fact that high levels have now been found in the system for more than a year. Marilyn Howarth, a physician and director of the University of Pennsylvania's **Center of Excellence in Environmental Toxicology**, went as far as to warn that children should not consume water if the presence of lead is in doubt.

"Allowing lead levels in water to continue in the exceedance range since 2017 would certainly contribute to elevated lead levels in children," Howarth said. "At this point, to protect the most vulnerable, there should be an advisory that children should not drink the water unless it has been tested for lead or a lead filter has been applied."

Richard Pepino, deputy director of the same UPenn center, said he "strongly" agreed with Howarth. He questioned the actions of regulatory agencies involved with oversight of drinking water issues, and believes they have adopted a "let's see what happens attitude" to lead levels.

"However, kids are involved and waiting does not seem like the proper approach," Pepino added.

Experts say some of lead's most concerning effects are on young children. The metal irreversibly stunts neurological development, leading to lower IQ levels. The lack of emotional control typically thought of "the terrible twos" never stops, with some studies finding children who were exposed to lead go on to have higher rates of incarceration as adults. Researchers generally warn against child exposure to lead above 5 ppb for more than a few months, and 1 ppb for longer term exposures.

Adults aren't spared, either. Lead is linked to cardiovascular disease, constipation, nausea and depression, and potentially aggravates neurological disorders such as Alzheimer's disease when ingested.

This news organization on Nov. 28 reached out to the EPA, New Jersey Department of Environmental Protection, and Bordentown City with a list of questions about the ongoing issue. On Nov. 29, all three were also notified of Howarth's recommended advisory. The NJDEP had not provided a response as of press time. The EPA demurred, saying it had delegated its regulatory authority to the NJDEP.

#### The city's actions

A **statement** from the city reviewed the actions it has taken to date, including more than 13 instances of public notification about the issue, including public meetings and mailers. The city also reiterated actions it has taken at its water treatment plant, which include adjustments to the water's pH level and the addition of orthophosphate chemicals to try and prevent any corrosion of lead-containing materials.

The city's statement also said it had sampled an additional 102 homes as part of its free testing program, for which it is awaiting results, and continues to offer the free sampling program. City officials said they also will conduct "exploratory digs" at 19 homes, and have dug up "portions of public roadways" to examine piping material and attempt to identify the source of high lead levels.

Previously, the city has said it believes lead is only coming from in-home plumbing in area homes, and not the city's water treatment plant near the Crosswicks Creek or the city's water distribution infrastructure. The NJDEP backed up the later statement, saying they had reviewed records with the city and found no evidence of lead water mains or laterals.

In the statement provided by the city this week, officials said they will test at the water meter of any homes where high lead levels are found, and if the lead is also present there, the city will "work with the homeowner to dig up the water line from the main to the curb to determine if a lead service line is present."

The statement said such efforts will begin in December and continue over several months.

"It is our belief that this additional testing will aid in determining the source of the lead in the water," the statement read.

In documents provided to this news organization, only one meter test has been conducted so far, at a home on Charles Bossert Drive. Drinking water in the home tested at 32 ppb in November 2017, and has had lower levels since. But testing results from early October show lead at 123 ppb at the meter, and 57.5 ppb at an unidentified second location. Asked how the lead level at a meter could be high if the city had no lead in its infrastructure, the city re-iterated it would be digging at homes to investigate the source of lead.

The city further said it is working with the NJDEP to develop an "asset management plan" for the water system to "prioritize investment."

"It incorporates detailed asset inventories, operation and maintenance tasks and a long-range financial planning strategy," the city wrote.

The city said it has also performed over a dozen tests of water at its treatment plant, which it sent to two different laboratories for analysis. Those results show lead ranged from non-detect to 5 ppb. A test at the treatment plant in **June** showed lead at 6.9 ppb, although officials suggested the lead was coming from a faucet at the plant.

The city characterized the results as "confirming there is not an issue with the water source," Katelyn McElmoyl, an attorney representing the city from the firm Parker McKay, further emphasized in a telephone call that the city has had no lead exceedances at its treatment plant. However, the EPA's Lead and Copper rule does not set limits for lead at treatment plants; the limits are instead placed on tap water.

"As previously stated, this is a serious issue and we still have lots of work to do," the city added, noting officials welcome questions about the issue. "We have developed an aggressive plan as well as complete transparency and openness."

# County not focusing blood tests in Bordentown

While the New Jersey Department of Health blood testing data obtained through an open records request earlier this year showed no apparent recent spikes in blood lead levels of Bordentown Township children, only a handful of Bordentown City's hundreds of children had been tested in the past year.

Asked about the low compliance rate, Burlington County spokesperson Jason Tosches said earlier this year the county health department had received funding from the state to purchase lead testing equipment and perform outreach to test more children.

Tosches said in September the county would begin performing blood screenings and conducting outreach to health care centers "by the end of October at the latest." Asked for an update last week, Tosches said the health department has hosted screenings and is planning more, but did not detail any specific operations in response to lead levels in Bordentown.

"The County Health Department hosted screenings at a (Women, Infants, and Children) clinic in their Westampton building and at the Riverton Library," Tosches wrote. "The department is partnering with the Burlington County Community Action Program and others to offer screenings at various day care centers throughout the county, as well as WIC satellite centers throughout the county."

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#### NJTV NEWS

Water system managers plan for upgrades, but funding is scarce

By Leah Mishkin

December 7, 2018

New Jersey Department of Environmental Protection Commissioner Catherine McCabe says the way responsibility is divvied up among so many different entities complicates the work to fix the state's aging water infrastructure. It also doesn't help that it's going to take billions of dollars over decades, and McCabe says they only have millions at this point.

"The responsibility for the operation, maintenance and repair water infrastructure is incredibly distributed among so many different entities," McCabe said. "The towns and the utilities, I understand, are in a constant struggle to prioritize."

McCabe says in many instances, utilities deal with expensive emergency repairs instead of focusing on long-term solutions. She stressed the importance of asset management at the Jersey Water Works Conference.

There was a point in the speech when the commissioner asked the audience if they had asset management plans and very few people raised their hands. She says that's why the Water Quality Act is so important.

The Water Quality Accountability Act now requires the state's roughly 300 water systems to have an asset management plan in place by April.

"Each water system and each community needs to decide its own priorities when it comes to limited funding. Some of the priorities that we have as a state are lead contamination," McCabe said.

Another DEP priority is preventing sewer overflows.

"Often the stormwater system is combined with the sewer water system. When it rains and there is too much water in that combined system and you get, unfortunately, an overflow of sewage. Whether that goes into the streams or the streets, it is a danger to people's public health and to our water quality," McCabe said.

The federal government allocates money to the state for clean water and drinking water. Andy Kricun is the executive director of the Camden County Municipal Utilities Authority, the third largest plant in the state. He says when it comes to waste, municipalities should tap into the resources available with the New Jersey Infrastructure Bank.

"One of the things we've done with our asset management plan is replace older equipment with newer equipment. Newer equipment has lower energy costs, lower maintenance costs, and because the debt service is spread our over 30 years and it's less than 1 percent interest, the debt service costs are lower than the O&M [operations and management] savings. That's how we've been able to improve environmental performance and hold our rates down," said Kricun.

As for the money allocated for drinking water?

"The demand for drinking water financing is outpacing the Water Bank's and the DEP's current available financing," McCabe said.

In October, President Donald Trump reauthorized the Safe Drinking Water Act for the first time in 20 years. It includes a low interest EPA loan program for states' drinking water projects, but Congress needs to approve funding for the program.

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WGRZ

DEC rejects camera crew inside Tonawanda Coke, citing 'legal restrictions'

By Emily Lampa

December 7, 2018

Just three pictures...That's how many images, captured inside the gates of Tonawanda Coke, that the New York State Department of Environmental Conservation sent to 2 On Your Side when we asked to see what's going on at the facility.

We asked to see the pictures, when DEC Commissioner Basil Seggos told reporters he had toured the facility on Wednesday, "I wanted to see the site myself. I wanted to see, you know, what the legacy of the mismanagement actually looks like, first hand."

This is Seggos' first time checking out the plant since stepping into his commissioner role in 2015.

The pictures sent to 2 On Your Side by an agency spokesperson definitely show Seggos on site, but there are no images to support any of the efforts the DEC claims are happening at the site; such as winterization, soil and water sampling, and remediation efforts.

We asked DEC spokesperson, Erica Ringewald, if there were any other pictures from the commissioner's tour, or if engineers from the Environmental Protection Agency could send us additional images. The EPA is the lead agency in the cleanup effort at Tonawanda Coke. Ringewald responded that she would send any additional photos she comes across. No additional photos were sent Friday night.

"I can say," Seggos told reporters during a press event Thursday, "that the most immediate dangers from that site have likely been abated. I felt reasonably assured when we left the property yesterday that significant air concerns, that we had earlier in the year, have largely been abated. There didn't appear to be a significant amount of runoff on the site, if any."

On November 6, 2018, two weeks after the plant shutdown, we asked the state if we could bring cameras on Tonawanda Coke property to show the public what's going on there. The response was no.

After the Commissioner Seggos' tour, the answer was still no. An e-mailed statement from the DEC reads in part, "At this time, due to legal restrictions, only authorized personnel designated for facility closure operations are permitted on the premises."

"The site itself presents significant hazards, so it's a dangerous place to walk around," said Seggos of conditions he observed on his tour. "It's a heavily impacted industrial plant that was, for many years, woefully neglected. I mean, I was quite upset yesterday seeing the way that the facility was managed and what the workers must have been dealing with on a daily basis."

Seggos tells us the plant is still in the process of being fully decommissioned, and that it's still uncertain what the full clean up plan will look like.

This is what he had to say about pollution in the surrounding communities: "In terms of offsite contamination, I don't see a lot of it right now. But look, we're in the early stages. We are literally not going anywhere. We have staff there on a daily basis to understand the full extent of contamination and we'll be insuring that the public's protected along the way."

The state is also looking through company records to see if any other parties, working with Tonawanda Coke, may have contributed to the problems at the site through actions such as improper storage and dumping.

"Whenever I approach a site like this," explains Commissioner Seggos, "I'm always looking at the potential contributors, right? We have to. It's a \$100 million a year Superfund law, but we have many Superfund sites around the state that would certainly eat that up on a yearly basis The law requires us to go back to the polluter. So, we'll find the polluters."

Besides remediation, Seggos tells 2 On Your Side, crews at the site are also in the process of trying to recover coke and other products that may have value. A full inventory of the property will also be happening for bankruptcy proceedings.

The state is now fencing off the property and hired security to prevent theft and vandalism. We're still waiting to hear back from the state about who will be responsible for those costs.

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#### **PATCH**

Environmental Bullies Are Picking On NJ Minorities, Poor: Lawsuit

By Eric Kiefer

December 7, 2018

It's a new day for environmental enforcement in New Jersey, state officials say. And that means putting eight alleged environmental bullies on notice: no more picking on the state's low-income and minority communities.

On Thursday, the New Jersey attorney general and commissioner of the Department of Environmental Protection announced that eight separate lawsuits have been filed against alleged polluters. The sites are located in heavily minority and lower-income communities across the state, including: Camden, Flemington, Newark, Palmyra, Pennsauken, Phillipsburg and Trenton. (See photos and details of each property below)

The lawsuits mark a new "environmental justice" initiative designed to support communities that have historically suffered some of the worst environmental harms in the state, officials said in a joint statement.

"Environmental justice means that everyone, no matter race, ethnicity, color, national origin, or income, deserves to live and work in a healthy and clean environment," Attorney General Gurbir Grewal said. "But too often, the same communities suffer the worst environmental problems over and over again but don't get the support that they need."

Gurbir said that in New Jersey, officials are taking an "unprecedented step forward" to change an unacceptable status quo.

"We're filing eight lawsuits to protect the environment in these areas," the attorney general said. "Our first-of-its-kind statewide environmental justice action should make one thing clear to the polluters that have run amok in these communities: Not on our watch. We're going to make New Jersey a national leader on environmental justice."

DEP Commissioner Catherine McCabe said that cleaner environments promote stronger communities.

"For too long the residents of urban areas and other communities have not had their voices heard and have had to bear the burden of disproportionate sources of pollution and the consequent health effects," McCabe said. "It is imperative that we take actions such as these to substantively address these issues and restore the confidence of residents and their elected leaders that New Jersey is committed to improving day-to-day life for all New Jersey's people, especially our most vulnerable populations."

According to Gurbir and McCabe, the lawsuits include an array of enforcement actions. For example, the lawsuit involving Pennsauken is a Natural Resource Damages (NRD) case... the fourth such case the state has filed this year.

The officials said:

"The lawsuit involves Puchack Wellfield, a series of wells that provided drinking water to Camden residents decades ago. The state alleges that the defendant was responsible for hazardous pollution that resulted in termination of the wells. The state is seeking NRD damages, as well as cleanup and removal costs that have been incurred and will be incurred at the site."

Gurbir and McCabe added:

"In other cases, the state's actions seek to force companies to clean up the soil and groundwater contamination for which they're responsible. In some, the lawsuits seek not only site clean-up by the responsible parties, but also payment of financial penalties because the individuals or companies ignored prior orders to clean up the properties. Another seeks an order directing removal of illegally-dumped solid waste from a property in Trenton. And multiple of these actions seek to recover tax dollars the state had to spend cleaning up polluted properties."

In addition to filing eight legal actions, Grewal said that his office is restructuring a new unit to bring additional focus to environmental justice issues. The section, to be called the "Environmental Enforcement and Environmental Justice Section," will repurpose existing resources and hire additional attorneys to bring enforcement actions and promote environmental justice across the state.

Grewal said that Kevin Jespersen, who previously served in multiple leadership roles in the AG's office – including as Executive Assistant Attorney General and Chief Counsel to the Attorney General – will oversee the section while the office undertakes a nationwide leadership search.

"Today is just the beginning of our environmental justice agenda, and we are going to pursue other polluters who have put the residents of these communities at risk," Grewal said Thursday during a press conference in Camden. "We're going to run a different kind of environmental enforcement program, one that asks how enforcement cases can promote justice."

"No matter where you live and no matter your background, you deserve to have a healthy environment," he emphasized.

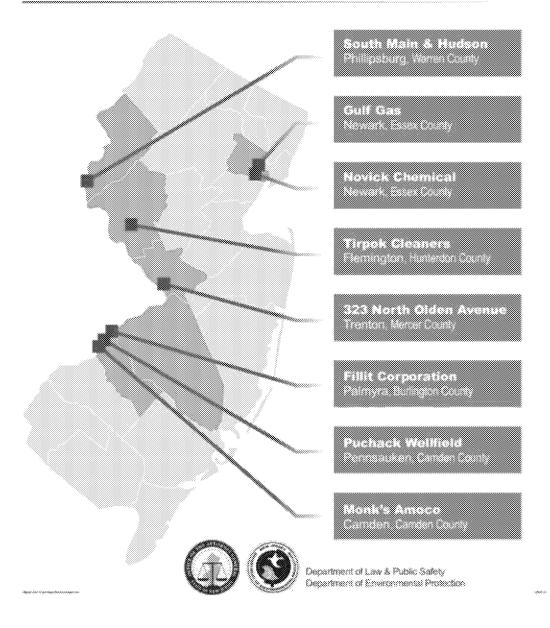
#### **TAKING A CLOSER LOOK**

The following photos and "fact sheets" on the state's Dec. 6 "environmental justice actions" come via the New Jersey Department of Law & Public Safety and the New Jersey Department of Environmental Protection.

# Promoting Environmental Justice

Protecting All Communities From Harm

Environmental Enforcement Actions Across New Jersey





Puchack Wellfield at 482 Cover Road in Pennsauken Township, N.J. on Wednesday, Dec. 5, 2018. (Office of the Attorney General / Tim Larsen)

#### **PUCHACK WELLFIELD**

# Previously Provided Drinking Water to Camden, Camden County

# Camden Median Household Income: \$26,214 | % Minority: 94.7

"The Puchack Wellfield Superfund Site in Pennsauken, owned by the City of Camden, once served as a potable water supply to Camden residents. But as a result of discharges of hazardous substances from a former nickel and chrome plating facility at 482 Cove Road in Pennsauken (the "Property"), use of the well field had to be largely terminated in 1984. Those discharges included chromium, which is a known carcinogen and has been linked to respiratory tract illnesses. From 1969 to 1981, approximately 9,000 gallons of nickel/chromium contaminated wastewater were discharged daily to the Property's soil, directly or via unlined trenches that led to underground septic tanks. The well field was placed on the National Priorities List by EPA in 1998, and EPA has overseen subsequent remediation of the site. DEP is seeking damages for injuries to natural resources caused by the discharges of hazardous substances. DEP also seeks to recover cleanup and removal costs that have been incurred in the past and will be incurred in the future at the site. The named defendant is SL Industries, Inc., owner of the Property and successor to prior owners of the Property and operators of the plating facility."



Fillit Recycling at 213 Route 73 South, Palmyra, N.J. on Wednesday, Dec. 5, 2018. (Office of the Attorney General / Tim Larsen)

#### **FILLIT CORPORATION**

# Located in an Opportunity Zone in Palmyra, Burlington County

Palmyra Median Household Income: \$66,130 | % Minority: 30.5

"Beginning in the 1990s, the Fillit Corporation property on Rte. 73 in Palmyra operated as a sand and gravel business and a yard/leaf waste recycling business on the site of an old municipal landfill. Fillit's operations resulted in the destruction of wetlands along the Pennsauken Creek and importation of unauthorized solid waste. In 2012, Fillit leased the site to Jersey Recycling Services, LLC. Jersey Recycling's owners brought on-site thousands of tons of illegal solid waste, including concrete, asphalt, and contaminated soils. DEP brought multiple enforcement actions against Fillit and Jersey Recycling, resulting in orders to clean up the site and to pay penalties. The companies, however, failed to comply. In 2014, Jersey Recycling abandoned the property without completing the required remediation. And in 2017, the State Commission of Investigation found that Jersey Recycling had ties to organized crime; it was run by Bradley Sirkin, a convicted felon in Florida. DEP seeks court orders requiring Fillit and Jersey Recycling to remediate and properly dispose of the solid and hazardous materials on site and to restore the damaged wetlands, and seeks additional civil penalties. The defendants are Fillit, Jersey Recycling, Grupo Mundial Balboa Internacional S.A., Messengers of Peace Development Corporation, Estate of Angelo Campo and its executor, Bradley Sirkin, and James Adkins."



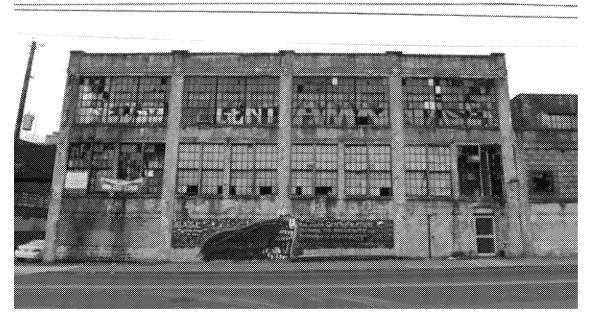
Gulf Gas at 272 Hillside Ave, Newark, N.J. on Monday, Dec. 3, 2018. (Office of the Attorney General / Peter Ciamboli)

#### **GULF GAS**

# Located in Newark, Essex County

Median Household Income: \$33,025 | % Minority: 89.3

"For several decades, a succession of different owners and operators managed a gas station on Hillside Avenue in Newark. In 1999, six underground storage tanks were removed, and it was discovered that the soil was contaminated with tetrachloroethene (PCE). Further testing revealed that the groundwater had also been contaminated with multiple other hazardous substances, which included benzene, tertiary butyl alcohol (TBA), and methyl tertiary-butyl ether (MTBE). Exposure to some of these substances has been linked to kidney dysfunction, respiratory tract irritation, and cognitive and neurological effects. DEP took several enforcement actions against the owner, which failed to remediate the hazardous substances found in the soil and the groundwater. While the gas station is no longer in operation, business activities still continue at the property, and subsequent owners have similarly failed to conduct the required remediation. DEP now seeks a court order to compel remediation of the site and to recover its costs from the responsible parties. The defendants are Joseph Wright, E & J Investors Inc., and E & J Investors LLC."



323 North Olden Avenue in Trenton, N.J. on Thursday, Dec. 6, 2018. (Office of the Attorney General / Tim Larsen)

## **323 NORTH OLDEN AVENUE**

Located in Trenton, Mercer County

Median Household Income: \$34,412 | % Minority: 86.4

"In February 2014, a purported limited liability company (LLC) purchased property at 323 N. Olden Avenue in Trenton. The property had been a vacant industrial facility since 2002, and consists of a two-story historic industrial building, accessory buildings and loading dock area. The area fronting the property contains an outdoor parking lot area covered with concrete. Subsequent to the LLC's purchase of the property, large amounts of solid waste—including hazardous waste and oil—were illegally dumped on the site in this outdoor area. The owners failed to comply with previous enforcement actions brought by DEP ordering them to clean up the property. DEP now seeks a court order to require the persons responsible for the property to remove the illegally dumped solid waste, and to pay penalties for the illegal dumping. The defendants are 323 N. Olden Avenue LLC, Leonardo A. Hernandez, and Gustavo A. Hernandez, Jr."



Novick Chemical in Newark, N.J. on Monday, Dec. 3, 2018. (Office of the Attorney General / Peter Ciamboli)

#### **NOVICK CHEMICAL**

#### Located in Newark, Essex County

Median Household Income: \$33,025 | % Minority: 89.3

"From the 1960s through 2002, various companies, including Novick Chemical Company, Inc., operated a bulk chemical storage and chemical distribution center at the foot of Emmet Street in Newark. Soil and groundwater samples taken at the property revealed the presence of high levels of hazardous substances, including tetrachloroethylene (PCE). Exposure to PCE has been linked to kidney dysfunction, respiratory tract irritation, and cognitive and neurological effects. In 1987, Novick notified DEP that it intended to purchase the assets of a former operator of the property, triggering statutory remediation obligations. Novick entered into an Administrative Consent Order (ACO) with DEP, where Novick promised to complete remediation. But since 2002, Novick has refused to comply with its obligations. In 2014, DEP filed suit against Novick, and the court issued an order assessing significant penalties against Novick and ordering it to complete the remediation. But Novick has still ignored its duty. In this motion, DEP is seeking to require Novick to comply with the court order and the ACO, and to complete the remediation. DEP is also seeking significant penalties for past refusals to comply. The defendant is Novick Chemical."



Tirpok Cleaners, 22-24 Reaville Avenue, Flemington, N.J. on Tuesday, Nov. 27, 2018. (Office of the Attorney General / Tim Larsen)

# **TIRPOK CLEANERS**

#### Located in an Opportunity Zone in Flemington, Hunterdon County

# Flemington Median Household Income: \$58,401 | % Minority: 49.3

"From the late 1940s to 2017, several owners operated a dry cleaning facility on Reaville Avenue in Flemington. In 2002, it was discovered that the dry-cleaning solvent tetrachloroethene (PCE) had been discharged into wastewater holding pits on the property, contaminating soil and groundwater. Exposure to PCE has been linked to kidney dysfunction, respiratory tract irritation, and cognitive and neurological effects. The discharged PCE also migrated through the ground water to Flemington Water Company Well #6, located at the intersection of Elmwood Avenue and Williams Street. Flemington Well #6 provided potable water to approximately 860 Flemington residents from 1977 until it was shut down in 1989 due to PCE contamination. DEP is seeking an order requiring the defendants to clean up the impacted soil and ground water and to reimburse the Department for its cleanup and removal costs. The defendants are Tirpok Group, Inc., Tirpok's Cleaners and Dyers, Inc., Andrew G. Tirpok, Jr. and Andrew G. Tirpok, III."



Monk's Amoco, 710 Broadway in Camden, N.J. on Thursday, Dec. 6, 2018. (Office of the Attorney General / Tim Larsen)

#### **MONK'S AMOCO**

# Located in Camden, Camden County

Median Household Income: \$26,214 | % Minority: 94.7

"In 1979, Monk's Amoco, Inc., purchased a retail gas station and service center located on Broadway in Camden. In April 1984, gasoline seeped into the basement of a neighboring tavern, an environmental hazard that required immediate attention to remove the gasoline and flammable vapors from the tavern basement. That June, gasoline again seeped into the tavern basement. After the owner of Monk's Amoco failed to comply with DEP's directives, DEP promptly installed a groundwater recovery system that recovered and disposed of roughly 300 gallons of gasoline. Subsequently—between May 1999 and August 2011—DEP excavated a total of seven gasoline underground storage tanks from the property. To this day, an auto repair shop continues to operate at the property. DEP is seeking to recover its costs from the responsible parties. The defendants are Monk's Amoco, Inc. and Hooper Monk."



South Main & Hudson in

Phillipsburg, N.J. on Tuesday, Nov. 27, 2018. (Office of the Attorney General / Tim Larsen)

#### **SOUTH MAIN & HUDSON**

# Located in Phillipsburg, Warren County

Median Household Income: \$44,660 | % Minority: 28.6

"Since the 1940s, multiple owners have operated a retail gas station on South Main Street in Phillipsburg, a historic mixed commercial-residential neighborhood overlooking the Delaware River. In 1989, after removal of underground storage tanks, gasoline-related compounds were discovered in the ground water beneath the gas station. DEP directed the owner and previous owners of the gas station to remediate, but they did not comply. In 2005, neighbors complained of gasoline odors. DEP took swift action, confirming the presence of gasoline-related compounds in the air at several neighboring properties and installing vapor treatment systems to protect those neighboring residents' air quality. DEP then had to obtain court-ordered access to the gas station to install a vapor extraction system to protect against additional contamination at neighboring properties. Today, DEP still maintains the vapor extraction system and monitors neighboring residents' air quality, while the gas station's retail gasoline business continues to operate. DEP is seeking to recover its costs from the responsible parties. The defendants are Progress Petroleum of Phillipsburg, Inc., Yank Shoimer, Inessa Shoimer, U & Y, Inc., YFG International, Inc., Lekco, Inc., Arminder Singh, Baljit Kaur, and Baljinder Singh."

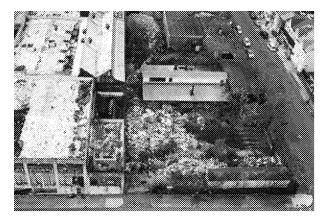
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NJ SPOTLIGHT

NJ Sues Polluters of Low-Income Communities, Wants 'Environmental Justice'

By Jon Hurdle

December 7, 2018



Credit: Office of Attorney General/Tim Larsen

One of the lawsuits concerns this site at 323 North Olden Avenue in Trenton

Catherine McCabe, commissioner of the Department of Environmental Protection, said at the same event that some polluters in low-income communities like Camden, Trenton and Newark have evaded their responsibility for cleaning up contamination.

"When neighborhoods and communities become polluted by the activities of some people, usually for profit, we must step up, not only to clean up those places, but to make sure that the people responsible for them pay for the cost of cleaning them up," she said.

Camden residents who attended a listening session with McCabe and Grewal after the news conference, welcomed the initiative.

## A ballfield atop arsenic and lead contamination

"It's refreshing to see that we are now bringing the full resource of the law to bear so that we're not just putting the full burden on the government to cover the cost but we're requiring polluters to do their fair share," said Bryan Morton, whose Little League teams use a contaminated park.

Morton said the field is on a former factory site where the demolished materials are lying just beneath the surface, and have been recently found to be contaminated with arsenic and lead. Although the responsible company has been identified, Morton said it won't be able to pay because it went out of business long ago, and so the state and the City of Camden will have to bear the cost.



Credit: Office of Attorney General/Tim Larsen

The Puchack Wellfield site in Pennsauken Township

The lawsuits include a case against the owners of the Puchack Wellfield property, a Pennsauken site that between 1969 and 1981 discharged 9,000 gallons a day of waste water contaminated with nickel and chromium, a known carcinogen,

state officials say. In that case, Grewal said the state will seek damages for injuries to natural resources as well as the costs of past and future cleanup in the city that has a median household income of \$26,000 and a minority population of 94.7 percent.

The Pennsauken suit is the fourth natural resource damages case that the state has filed this year.

In Newark, where the median income is \$33,000 and 89 percent of residents are minorities, the owner of a Gulf gas station is accused of failing to clean up contaminants including benzene and MTBE despite several enforcement actions by the DEP. That suit seeks a court order to compel remediation of the site and to recover the costs from the responsible parties.

#### Green groups hail tougher enforcement



Credit: Office of Attorney General/Tim Larsen

The Fillit Recycling site in Palmyra is the target of one of the lawsuits.

And in the Burlington County town of Palmyra, where 31 percent of the population is minority, the state is seeking to force a recycling company to restore wetlands along Pennsauken Creek where it illegally dumped solid waste.

The other suits are over polluted sites in Trenton, Flemington, Camden, Phillipsburg, and a second case in Newark. Several of the defendants could not be reached for comment.

Grewal said the eight suits are "just the beginning" of the environmental justice agenda, and should be seen by other polluters as a warning that the state now has more resources to enforce environmental laws.

Environmentalists welcomed the initiative as an overdue attempt to get polluters to pay.

"For the first time in a decade, New Jersey is putting some force back into enforcement," said Jeff Tittel, director of the New Jersey Sierra Club. "This is especially important for Environmental Justice communities who already see a disproportionate amount of pollution." Clean Water Action, which challenged an earlier cleanup of the Camden site as insufficient, said the new initiative would help low-income communities overcome years of pollution.

"Taking action is long overdue for lower-income and of color communities that are overburdened by pollution sources that exist under the radar," said Amy Goldsmith, the group's state director.

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#### NORTH JERSEY RECORD

Gov. Phil Murphy dumps Chris Christie's septic plan for Highlands

By Scott Fallon

December 7, 2018

Gov. Phil Murphy's administration is officially dumping a plan made by his predecessor that would have allowed more development in the Highlands reservoir region by increasing the amount of septic systems permitted in an area protected by state law.

The move made by New Jersey Department of Environmental Protection Commissioner Catherine McCabe on Thursday essentially stops an effort by former Gov. Chris Christie's administration to allow as many as 1,145 more septic systems to be built in New Jersey's mountain region dotted with reservoirs and aquifers.

That plan was already dealt a serious blow by the Legislature in January when the Senate and Assembly invalidated the septic plan saying it defies the intent of the 2004 Highlands Act, a law that severely limited development to protect drinking water in the mountainous region.

On Thursday, McCabe submitted rules that would revert the Highlands to the prior standard: one septic tank per 88 acres on forested land and one per 25 acres in open space. Christie's change would have allowed 1 septic tank per 25 acres of forested land.

The move is significant because it was done before any permits were issued to allow more development in the region, said Elliott Ruga, policy director of the New Jersey Highlands Coalition.

Bob Martin, Christie's DEP Commissioner, had questioned the legislature's authority when it voted to invalidate the rule.

"Now it's off the books," Rugas said Friday. "There is no way this can be challenged."

The Highlands covers 88 municipalities, including 52 partially or fully within the Highlands Preservation Area where large scale development is heavily restricted.

The area serves as a giant water filter, which ensures clean water for most state residents whose water comes from the Wanaque Reservoir, the reservoirs that supply Newark and Jersey City, the Round Valley Reservoir in Hunterdon County and the Ramapo, Hackensack and Passaic rivers and their tributaries.

The 2004 Highlands Act that put in the restrictions has been celebrated by conservationists. But landowners have complained for years that their property values have unfairly plummeted. The hardest hit were farmers, whose large patches of land could have been developed into homes, strip malls or office parks.

Amy Goldsmith state director of Clean Water Action said the move by Murphy and McCabe affirms that the DEP is true to its word when it comes to protecting the Highlands.

"It shows that the governor realizes that the Highlands are vital to our drinking water supplies," she said.

This story will be updated.

ВАСК ТО ТОР

**BROOKLYN DAILY** 

Liquid gold: State hands out thousands to four groups for projects to clean up Coney Island Creek

By Julianne Shane

December 7, 2018

They're cashing in on the Coney Island Creek.

State officials are doling out more than \$250,000 to four environmental organizations for projects the groups say will help purify the poo-filled waters of Coney Island Creek over the next two years.

The distribution of the cash, which is part of a fine the state Department of Environmental Conservation previously levied against a notorious polluter of the creek, underscores officials' promise to tackle environmental issues in the neighborhood, according to a rep for the agency, which in February put out a call for proposals to clean up the filthy waterway.

"These grants will fund several projects that will benefit the Coney Island Creek and community," the department's regional director Steve Zahn said following the Nov. 27 announcement of the funds. "Investments like these will help show our continued commitment to addressing environmental challenges faced in this community."

The money is part of a \$400,000 fine the agency in January collected from operators of Gravesend's Beach Haven Apartments, whom environmental whistleblowers in 2016 discovered were dumping up to 200,000 gallons of raw sewage into the creek daily, possibly for years.

State environmental bigwigs allocated \$300,000 of the fine money to leaders of the federally backed National Fish and Wildlife Foundation, who will now administer \$266,500 of that cash to the following organizations, to fund conservation programs to protect and restore fish, wildlife, and habitat in the area that include:

- \$30,000 to the City Parks Foundation for its Coastal Classroom Program, which will offer coastal ecology lessons and "environmental-stewardship activities" to students and other locals at nearby Kaiser Park.
- \$99,940 to the Wildlife Conservation Society's Urban Naturalist Initiative, which will teach high-school students about the creek's biodiversity, and how to conduct ecological research and recruit residents to help clean up the creek, among other activities.
- \$60,000 to the city's Department of Parks and Recreation to expand the agency's Coney Island Creek Shorekeepers program, which is comprised of a group of volunteers who clean up the creek. The cash will fund "education, technical training, and stewardship activities focused on recruiting environmental volunteers" to help take care of the waters.
- \$76,560 to the National Audubon Society to fund its For the Birds environmental-education program, which will offer programming about birds native to the area and the creek's habitat to locals, including students and families.

Leaders of the National Fish and Wildlife Foundation will keep the remaining \$33,500 to cover administration fees related to overseeing the four programs over the next two years, according to a Environmental Conservation Department spokeswoman.

The four groups receiving the money are expected to begin their projects within six months, and wrap them no later than 18 months from their start dates, the spokeswoman said.

The National Fish and Wildlife Foundation received nine proposals for Coney Creek-focused projects from community-based and regional organizations earlier this year. Some of its independent experts then reviewed the lot and selected the four organizations above, recommending the state fund their projects based on their relevance, accuracy, completeness, and compliance with the request for proposals, according to the spokeswoman, who said decision makers placed priority on projects that would have a direct impact on the creek and the shoreline.

The remaining \$100,000 in fine money paid by operators of the Beach Haven Apartments will be split between the American Littoral Society, an organization that promotes the study of coastal marine life and habitat, and the Environmental Conservation Department, which will use the funds to pay for staff who help inspect and clean waters including Coney Creek, the agency spokeswoman said.

The American Littoral Society already used its \$50,000 lump sum to pay for seven shoreline cleanups and three planting projects along the creek's shores last summer, during which 15 local students over eight weeks fished out more than

2,000 pounds of debris from the waterway, and planted 10,000 culms of beach grass and 50 beach plum shrubs on the its banks to protect sand and soil from erosion, according to the Society's Jamaica Bay program director, Don Riepe.

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#### **BURLINGTON COUNTY TIMES**

NJ Attorney General files lawsuit to force cleanup of Palmyra site

By David Levinsky

December 6, 2018

New Jersey's attorney general and environmental commissioner announced a series of lawsuits against alleged polluters on Thursday, including the owners and operators of a long-abandoned landfill and recycling business off Route 73.

Attorney General Gurbir Grewal and Department of Environmental Protection Commissioner Catherine R. McCabe said the eight separate lawsuits were part of a new environmental justice initiative targeting polluters in minority and lower-income communities.

"Environmental justice means that everyone, no matter race, ethnicity, color, national original, or income, deserve to live and work in a healthy and clean environment," Grewal said Thursday. "But too often, the same communities suffer the worst environmental problems over and over again but don't get the support that they need."

"Today, in New Jersey we're taking an unprecedented step forward in changing that," Grewal said.

Among the eight complaints filed by the office and the DEP, was one targeting the owners and operators of the Fillit Corp. property on Route 73 in Palmyra.

The 104-acre property is located along the Pennsauken Creek next to the Palmyra Cove Nature Center and the foot of the Tacony-Palmyra Bridge. It was formerly a municipal landfill before being converted to a sand and gravel business in the 1990s and then a leaf and yard waste recycling business, the Attorney General's Office said.

In the lawsuit, the Attorney General's Office alleges Fillit's operations resulted in the destruction of wetlands along the creek, along with the importation of unauthorized solid waste. In 2012 the property was leased to Jersey Recycling Services, whose owners are accused of bringing in "thousands of tons" of illegal solid waste, including concrete, asphalt and contaminated soils.

The Attorney General's Office said the DEP brought multiple enforcement actions against both Fillit and Jersey Recycling demanding that they clean up the site and pay penalties, but both companies failed to comply and in 2014 Jersey Recycling abandoned the property without completing remediation there.

The illegal dumping was described in a State Commission of Investigations report released in March 2017, which also revealed that Jersey Recycling was run by Bradley Sirkin, a convicted felon with ties to organized crime.

According to the SCI report, during Jersey Recycling's 18 months of operations it accepted more than 380,000 cubic yards of material, much of it unauthorized construction debris such as crushed brick, concrete aggregate, asphalt and contaminated soil, which it then mixed with grass clippings, weeds and branches and sold as mulch and topsoil.

Sirkin, who resided in Boca Raton, Florida, last year, was among the defendants named in the environmental lawsuit. According to last year's SCI report, he has ties through marriage to the Lucchese crime family, and he was convicted in 1992 for conspiracy, wire fraud and unlawful interstate transportation stemming from a so-called "bust out scheme" involving the resale of \$500,000 worth of cosmetics.

Sirkin served two years in federal prison and later, when in a halfway house, became associated with former Philadelphia/South Jersey mob boss Joseph "Skinny Joey" Merlino, according to the SCI report, which described Sirkin as Merlino's "constant companion" and frequently his driver.

The lawsuit also names Grupo Mundial Balboa Internacional and Messengers of Peace Development Corp. as defendants.

Grupo Mundial is a corporation based on Panama City, Panama, and is believed to be the sole owner of Fillit after the company's former owner died in 2014, the lawsuit said.

Messengers of Peace is a Voorhees-based company that was involved in efforts to redevelop the site from 2008 through 2010. The company was assessed about \$21,365 in site remediation cost fees that it never paid, according to the lawsuit.

The lawsuit specifies that the property has been designated by Palmyra for revitalization but that the defendants "corrupt recycling practices and improper disposal of contaminated soil and debris continue to thwart redevelopment of the area by Palmyra."

"The State now seeks to hold the defendants named ... responsible for their unauthorized and environmentally unsound activities," the lawsuit said.

Palmyra Borough Administrator John Gural said the municipality has estimated the cleanup costs on the property might exceed more than \$10 million.

The borough pursued its own lawsuit last year related to the environmental damages and the cleanup. The town received a \$300,000 judgement, but has yet to receive any funds due to the number of defendants.

"It's a convoluted mess," Gural said Thursday. "You have a mob associate who was a driver for Joey Merlino, Messengers of Peace and also this Panamanian Bank with some ownership. Who would have thought it? And we know all these people. They've all approached the municipality over the last decade with plans and obviously none of them are legitimate."

Gural said the property remains the keystone for the borough's hope of redeveloping the south side of Route 73, which amounts to a third of the town's nearly 2 square miles of territory.

Gural, who spent several years as the town's elected mayor, said he was pleased the attorney general and DEP were taking action but concerned that more litigation could further complicate efforts to redevelop the property.

He said the Borough Council was considering "all options" to bring about redevelopment and hopes the state will partner with the municipality to bring that about.

"While we're happy to see the state take action, it's a long time coming," he said.

The other lawsuits announced Thursday involved polluted sites in Camden, Pennsauken, Trenton, Flemington, Newark and Phillipsburg.

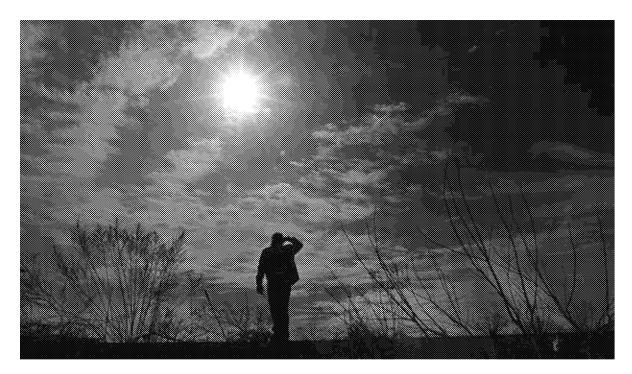
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SYRACUSE.COM

Why is county rushing to build Onondaga Lake trail on toxic land, critics ask

By Glenn Coin

December 6, 2018



In this 2011 file photo, Onondaga Chief Jake Edwards, an Onondaga chief, looks at the Carousel Center parking lot from the railroad tracks along Onondaga lake in an area called Murphy's Island. Onondaga County had once promised the land to the Onondaga Nation, but now plans to build a bike trail there instead. (*Dennis Nett | dnett@syracuse.com*)

Onondaga County plans to build a 1-mile bike trail next summer on contaminated land near Destiny USA, even though the state and critics say construction shouldn't start until a final cleanup plan is in place.

The county's environment director says the trail on the west shore of Onondaga Lake was also built before the site's cleanup plan was done, and he doesn't anticipate any problems with building the new trail on Murphy's Island.

Critics of the Murphy's Island plan say the county should wait until the state Department of Environmental Conservation selects the final cleanup, or remediation, plan. The DEC is waiting for a feasibility study from Honeywell before deciding on the cleanup. That study is expected to be done next year.

"We don't understand the rush when the remediation plan is being developed," said Alma Lowry, the environmental attorney for the Onondaga Nation, which opposes construction of the trail. "The nation believes there is no reason to go forward with the trail that will lead nowhere but the middle of a vacant site."

Without the cleanup plan in place, Lowry said, the county doesn't know if the trail construction will fit in with the plan.

"I think the county is feeling fairly confident their trail will be compatible," she said, "but the DEC can order a range of remediation options."

The DEC, in fact, has recommended that the county wait to build the trail.

"As a remedy has not been selected for the site yet, the department would recommend that construction be performed after a remedy is selected," the DEC wrote to the county in March.

If the county goes ahead with construction before the cleanup plan is done, the DEC said, the trail might have to be moved or torn up.

The county's director of the environment, Travis Glazier, noted that while the DEC would prefer the county wait, the DEC also laid out several conditions the county must abide by if it decides to build the trail.

"They said that was their preference, but they also included what the specifications are for us to proceed," he said. "We moved forward on the west shoreline trail extension before a remedy was selected, and it was wildly successful."

The west shore trail extension and the St. Joseph's Health Amphitheater were built atop old industrial wastebeds. The state required Honeywell to cover most of those wastebeds with soil and grass, saying that would contain any contaminated soil and prevent people from coming into contact with it. The newly paved State Fair Orange parking lot also sits on those wastebeds.

In 2009, Honeywell conducted a separate study that found high levels of industrial contamination across 35-acre Murphy's Island. The study showed that children playing on the island or workers digging in the soil would be exposed to health risks higher than allowed by federal guidelines.

Since that study, however, new research has shown that one of the chemicals found in the soil is much less toxic than previously believed, the engineering firm O'Brien & Gere told the county in a three-page memo. That means the risks of cancer to children and construction workers from exposure to one chemical, benzo(a)pyrene, is lower than the risk calculated in 2009, the memo said.

Honeywell has not taken legal responsibility for the cleanup of Murphy's Island, but said in court filings that it has, and will continue to, incur "significant costs in the investigation of contamination." To recoup the money, Honeywell has sued Sunoco and ExxonMobil, claiming they were responsible for the pollution on Murphy's Island from their nearby Oil City operations.

The lawsuits claim that the companies let oil and other chemicals leak into the lake and onto Murphy's Island from tanks and pipes, and even dumped contaminated soil there.

The tract of land is highly contaminated with toxic chemicals, including mercury, arsenic, PCBs, and lead, studies have shown. In addition, a team of local college professors have found "mystery chemicals" that appear to be more toxic than DDT. Kate Lewis, a biology and neuroscience professor at Syracuse University, urged county legislators a year ago to delay building the trail until more research is done on those chemicals.

Despite that, the county Legislature last December approved spending \$1.5 million on the trail extension, which will start at the end of the Onondaga Creekwalk behind Destiny USA and dead-end on Murphy's Island.

The trail extension is also controversial because it will run through a wooded portion of the site where bald eagles nest. Representatives of the Audubon Society and the newly formed Friends of the Onondaga Lake Bald Eagles say the presence of humans on the trail will scare away the eagles, which have recently become year-round residents there.

"There's a potential there that we may lose the bald eagle roost as a result," said Chris Lajewski, of Audubon New York.

Glazier noted that the U.S. Fish and Wildlife service has said the county can built the trail without violating the law that protects bald eagles. He said the trail would be shut down during the winter, when eagles are roosting on Murphy's Island and feeding in the warmer, open waters near the wastewater treatment plant.

Murphy's Island is the land county legislators voted in 2011 to give to the Onondaga Nation. Five years later, the county reneged on that offer, after the federal Environmental Protection Agency suggested that turning over the land to the nation might require a more extensive cleanup.

Under the federal Superfund law, the county could be held liable for all cleanup costs because it owns the land.

Glazier said the county hopes to hire a contractor next spring and begin construction of the trail extension in the summer.

NORTH JERSEY RECORD

Meadowlands mayors to proposed power plant: We don't want you

By Scott Fallon

#### December 6, 2018

Leaders from almost all the towns in the Meadowlands have called on Gov. Phil Murphy to block plans to build a large, gas-fired power plant in the district that would send power only to New York City.

Mayors of eight towns approved a motion this week opposing the controversial North Bergen Liberty Generating plant, which is still awaiting a decision on key air permits from the state Department of Environmental Protection.

"I think everyone is realizing that this is bad for the entire region," said Mayor Anthony Suarez of Ridgefield, which borders the North Bergen property where the power plant would be built.

The mayors of Carlstadt, East Rutherford, Lyndhurst, Moonachie, North Arlington, Ridgefield, South Hackensack and Teterboro approved a motion denouncing the project on Monday at the regular meeting of the Hackensack Meadowlands Municipal Committee, a division of the New Jersey Sports and Exposition Authority, which controls most land-use issues in the 14-town wetlands district.

Seventeen Bergen County towns have already passed resolutions against the plant, including Rutherford and Little Ferry, both in the Meadowlands. That means 10 of the 14 Meadowlands towns have opposed the project.

Opponents say burning natural gas would harm air quality and increase New Jersey's contribution to global warming.

None of the Meadowlands towns in Hudson County — Kearny, Jersey City, Secaucus — has taken a public stance. North Bergen officials, led by Mayor Nick Sacco, enthusiastically support the project, which is expected to bring millions of dollars to the township through payments in lieu of taxes.

A North Bergen spokesman said the action by the mayors was nothing more than an "informal poll taken at a holiday party."

The vote "included only a portion of the Meadowlands region mayors and in no way constitutes formal opposition to the project," said the spokesman, Phil Swibinski. "If Mayor Suarez has his way, he would deny thousands of union workers much-needed jobs and stop millions of dollars in tax revenue from being generated for North Bergen and the region."

Brian Hague, a spokesman for the North Bergen Liberty Generating plant, said the company was unaware that the mayors would be discussing the power plant, let alone voting to oppose it.

"We have been open, truthful and transparent with the public and elected officials throughout our siting process, and we gladly will answer any questions the committee members may have about our project," he said.

Bill Sheehan, who leads the Hackensack Riverkeeper advocacy group, praised the mayors, saying they represent "communities that would be impacted the most by this bad idea."

The plant, proposed by the Mitsubishi subsidiary Diamond Generating Corp., would be one of the largest electricity generators in the state, at 1,200 megawatts.

None of that power would go to New Jersey, however. It would be transported via a 6.5-mile underground cable to Con Edison's plant on Manhattan's west side, where it could power as many as 1.2 million households.

The plant would rival PSEG's mammoth Bergen Generating Station in Ridgefield, which emitted more than 2 million metric tons of greenhouse gases in 2016. Gases like carbon dioxide and methane trap heat in the atmosphere, contributing to global warming, which causes sea levels to rise and weather events to become more intense.

The North Bergen project is supported by labor unions because Diamond Generating Corp. would temporarily employ more than 2,100 construction workers to build the plant. It would employ about 30 permanent workers to run it.

The DEP issued six permits for the project in July, generating a storm of criticism against Murphy, who has said he wants the expansion of renewable energy to be the centerpiece of his environmental policy.

Meanwhile, dozens of environmentalists representing 50 groups demonstrated outside the Statehouse on Wednesday, calling on Murphy to stop all fossil fuel infrastructure projects in New Jersey, such as pipelines and power plants like Liberty Generating.

"The Meadowlands project is a microcosm of everything that's wrong with the current state of the fossil fuel industry in New Jersey," said Matt Smith, an organizer with Food & Water Watch, an environmental advocacy group. "These towns are doing the right thing in fighting this."

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#### **NEWSDAY**

NY report: Islanders development at Belmont would boost congestion

By Candice Ferrette and Jim Baumbach

December 6, 2018



The Empire State Development Corporation's board of directors listens to public comments at Thursday's meeting on the proposed Islanders arena at Belmont Park. Photo Credit: Jeff Bachner

A \$1.2 billion plan to build a new Islanders arena and entertainment complex at Belmont Park will increase traffic congestion in the area, even with additional Long Island Rail Road trains running to and from the site on game days, a new report said.

The nearly 700-page environmental impact study examined the project's impact on factors including transportation, water resources, socioeconomic conditions, noise and air quality.

It found the project "would not have the potential to result in significant adverse cumulative impacts other than in the area of transportation."



A rendering shows the proposed new arena at Belmont Park. Photo Credit: Sterling Project Development

Board members of the Empire State Development Corporation, the state's economic development agency, adopted the study in a unanimous vote Thursday, starting a public comment period. Public hearings on the environmental impact will be held for three days beginning Jan. 8, and written comments will be accepted through Feb. 11.

The report said most of the traffic challenges will occur on the Cross Island Parkway and Hempstead Turnpike.

"It is a problem. I think we knew that going in," said Rachel Shatz, vice president for planning and environmental review at the state agency. "There are strategies that we've identified in the DEIS [report] that will alleviate almost all of them in the local network. The Cross Island Parkway is a bit of a challenge."

The project includes a 19,000-seat arena, 435,000 square feet of retail space along with restaurants, a movie theater and a 250-room hotel.

It also includes more than 7,000 parking spots, with 1,900 on site. The additional parking is gained through an agreement with the New York Racing Association, which will allow three additional lots to be used for arena events. Shuttles would transport attendees who park in the lots located north and east of the racetrack.

According to the study, activities associated with the proposed development would generate:

- 832 vehicle trips during peak hours on weekday mornings.
- 4,261 trips during the weekday evening peak hour.
- 4,075 trips during the Saturday midday peak hour.
- 4,496 trips during the Saturday night peak hour.

Thomas Conoscenti, Empire State Development's vice president for real estate development, said the agency was working on a transportation management plan "to influence behavior of eventgoers and users of the roads to further alleviate these projected traffic conditions."

According to the report, two additional LIRR trains from Jamaica Station to Belmont Station would bring fans to Islanders games and other events at the proposed arena.

New York Arena Partners, the Islanders' development team, would contribute an unspecified amount of funding for the added rail service, officials have said.

ESD said state officials are working with the LIRR to explore opportunities for a full-time station at Belmont. Currently, there is no plan for a commuter station at the site, state officials said Thursday.

MTA officials did not respond to a request for comment.

Before the vote to adopt the study, residents and representatives of communities surrounding Belmont — including Floral Park, Elmont and Bellerose — spoke in opposition to the project.

The speakers said they were skeptical the state agency would adequately address their concerns about traffic on and around the Cross Island Parkway and secondary roads along the Nassau-Queens border.

"Traffic in Floral Park already is a significant problem," Kevin Fitzgerald, deputy mayor of the village, told the board. Fitzgerald pointed to the LIRR's third-track construction as a major contributor to congestion in the area that's "just getting worse and will continue to get worse over the next three to four years."

Norman Siegel, a Manhattan civil rights attorney representing the Belmont Park Community Coalition, based in Elmont, said residents would decide to take legal action if the environmental study isn't improved.

"They are not addressing adequately the transportation issue," Siegel said of state officials. "They talk about exploring possibilities. That's speculative. They need to take a hard look and have definitive answers."

The sports and entertainment complex would be completed by 2021 on state-owned land located between Hempstead Turnpike and the Cross Island Parkway.

The Islanders development team includes Sterling Project Development, a real estate firm run by the Mets' Wilpon family, and Oak View Group, an arena development company.

In a statement, New York Arena Partners said: "We will continue to work with government officials and the community as we develop Belmont Park. We have actively engaged with community leaders and will adapt and respond to the findings in the Environmental Impact Study. Transportation to and from Belmont Park is a priority and we look forward to working with LIRR leadership on the best possible options."

Richard Browne, managing partner of Sterling Project Development Group, declined to comment after Thursday's meeting.

Construction of the proposed complex likely would begin in May, developers have said. Before that occurs, the environmental review process must be completed, and several state agencies need to sign off on the project.

State Sen. Todd Kaminsky (D-Long Beach) said officials should be considering the feasibility of a full-service station at Belmont "immediately."

"The best way to alleviate the serious traffic that the project will generate and benefit a deserving Elmont community is through mass transportation, something that the MTA and ESD must work toward at an accelerated pace," Kaminsky said.

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**NIAGARA-GAZETTE** 

SUNY urged to tighten controls on toxic materials at schools

By Joe Mahoney

December 6, 2018

State Comptroller Thomas DiNapoli is urging State University administrators to address "weaknesses" in safeguarding the system's students and staffers from hazardous materials stored at its campuses.

State auditors, according to a report released by the comptroller, identified numerous concerns after inspecting the systems used for storing chemicals and toxic substances at campuses in Plattsburgh, Oneonta, Cobleskill, Buffalo, Stony Brook, New Paltz and the Polytechnic Institute in Marcy.

"Weak oversight of hazardous materials could jeopardize the health and safety of students and campus communities," DiNapoli said in a statement accompanying the audit. "SUNY needs to do a better job to ensure these items are kept under lock and key."

The report documented what the auditors called "risks" at the SUNY Plattsburgh campus, where the college has just one person responsible for both placing hazardous materials orders and receiving the items after they are shipped to the school.

"This lack of segregation of duties across parts of the purchasing process increases the risk of error, waste and otherwise inappropriate activity, which can go undetected," the audit stated.

DiNapoli's team suggested that Plattsburgh administrators could lessen the risks by separating those responsibilities among employees.

But the same report went on to credit Plattsburgh and Cobleskill campuses for having "adequate controls" over their inventories of hazardous substances.

The auditors, though, found that inventories of the dangerous materials were not kept at some labs at the Oneonta campus. The Oneonta and Cobleskill campuses were the only campuses audited that had updated and complete emergency response plans, however, according to the comptroller's office.

The brunt of the report's criticisms was aimed at the Buffalo campus -- with the largest SUNY enrollment and faculty population of any campus in the system. The audit noted the attitude of administrators was "concerning," noting they were "not open and responsive to the issues we raised" while conducting the review.

Due to its big enrollment and the volume of chemicals it purchases, the Buffalo college is "more vulnerable" to risks than the other SUNY schools, the auditors warned.

In replying to audit director Brian Reilly, SUNY's chief financial officer, Eileen McLoughlin, disagreed with several of the findings and argued that DiNapoli's team "did not look at the multiple layers of controls in place across SUNY campuses to safeguard the campus community."

She added: "SUNY commits significant resources, provides substantial oversight and takes numerous preemptive measures, including routine laboratory safety training and emergency drill activities, to help ensure the health and safety of the campus community."

SUNY's procedures for storing such materials are also regularly reviewed by various federal and state agencies, she pointed out.

McLoughlin said some SUNY campuses have around-the-clock fire marshals and hazardous materials teams trained to detect the presence of gases, vapors and other substances, and have access to gear for decontamination and addressing leaks.

The comptroller's staff noted that at one unidentified SUNY school, campus police officers advised there was "a lack of administrative support related to the implementation of tighter access controls."

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## **PUERTO RICO / VIRGIN ISLANDS**

EL VOCERO (translated via Google Translate)

The challenge of the management of landfills

By Ayeza Diaz Rolon

December 10, 2018



Carmen Guerrero, director of the Environmental Protection Agency (EPA) in Puerto Rico

Most of the municipal and private landfills that exist in Puerto Rico are approaching or operating beyond their reasonable waste capacity, which represents a challenge for the Environmental Protection Agency (EPA).

I pressed for a solution, in light of the large amount of debris that would be generated when the reconstruction of hundreds of homes affected by last year's hurricanes began.

The director of the EPA in Puerto Rico and the Caribbean, Carmen Guerrero, acknowledged to **EL VOCERO** that the island lost "a significant amount of fill space due to the debris generated by the storms". This critical situation is being handled, according to the EPA, by the staff of the Environmental Quality Board (JCA).

"Part of the process includes helping the government of Puerto Rico with its ability to review and allow new landfill cells. It is expected that additional substantial waste will be generated from the demolition of damaged homes, the reconstruction and the recovery process, "said the former secretary of the Department of Natural Resources (DNER).

#### What is projected

The strategy of the federal agency is that - together with the local government - they can identify mechanisms to recycle and find "beneficial" uses of demolition materials so that they do not occupy the limited space available in landfills. Environmentalists, non-profit organizations and even the College of Architects and Landscape Architects agreed with this position, a key entity in the reconstruction phase that will begin at any moment in 2019.

"With limited recycling options and approximately 29 dumps and open dumps throughout the Island, solid waste management has been a challenge for Puerto Rico that precedes the hurricanes of 2017," Guerrero acknowledged.

While the United States Army Corps of Engineers (USACE) estimated that 8 million cubic yards of solid waste were generated during hurricanes Irma and María. Likewise, the EPA, in coordination with the Federal Emergency Management Agency (FEMA) and USACE, evaluated more than 150 illegal landfills that appeared after the hurricane throughout the Island.

Guerrero declined to comment on how the JCA and the DNER manage landfills and garbage on the island, while explaining that the EPA's task is to "strengthen local management."

Both the DNER and the Housing Department - the latter charged with handling the federal million allocated for housing recovery - could not **tell EL VOCERO** if there is a plan to deal with the rubbish of the demolitions that lie ahead.

However, in the Legislature several projects are being directed to, for example, recycling the high number of tires for use in "modified asphalt". Also the vice president of the Senate, Larry Seilhamer, presented a measure to create the public policy of the government to mitigate climate change.

In fact, this project (PS 773) was left as a conference committee at the end of the legislative session in mid-November, after the Executive ordered the creation of a Climate Change Group.

The measure provides that in Puerto Rico only 13% is recycled despite the fact that the Law for the Reduction and Recycling of Solid Waste establishes that it is 35%. He also points out that of the 29 landfills that exist, 19 do not comply with the standards of the EPA.

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EL VOCERO (translated via Google Translate)

Doubts with the rubble

By Ayeza Diaz Rolon

December 10, 2018

The document Plan of Action for Disaster Recovery that the government submitted to the federal Department of Housing to use the \$ 1,500 million allocated to rebuild housing and other economic development projects in Puerto Rico lacks a strategy for the management of the debris generate in the constructions, since the dumps of the Country -in their majority- are full.

Sources from **EL VOCERO** point out that there is a serious concern in the federal government regarding the solid waste generated by hurricanes Irma and María, as well as those that will be generated in the reconstruction phase financed with funds from the Community Development program for the Disaster Recovery (CDBG-DR, for its acronym in English).

The management of these funds is the responsibility of the State Department of Housing, an agency that could not confirm to this newspaper if an analysis of the environmental impact of the demolition and reconstruction of homes was carried out. Similarly, the Department of Natural and Environmental Resources (DNER), through its press officer Aniel Bigio, reiterated on Thursday that the agency needed "time" to process a request for information made by this newspaper on November 28. .

According to the sources, federal Housing could retain the disbursement of these funds for longer if the government does not decide how to recycle and refuse 100% of the demolition product of structures to be rebuilt.

However, Carmen Guerrero, director of the federal Environmental Protection Agency (EPA) in Puerto Rico and the Caribbean, declined that there is a stoppage by the agency to reconstruction funds. In addition, she indicated that the position of the agency is to look for alternative recycling, approach with which also coincided the Secretary of Housing, Fernando Gil Enseñat.

"It is expected that additional substantial waste will be generated from the demolition of damaged homes, reconstruction and the recovery process. As such, we are working with local and federal partners to identify mechanisms to recycle and find beneficial uses of these demolition materials so that they do not occupy the limited space in the landfill available in Puerto Rico, "Guerrero said.

Similarly, Guerrero said the agency is aware of the critical situation that landfills are going through. "It is known that most landfills in Puerto Rico are approaching or operating beyond their reasonable waste capacity," she said.

#### Denies lockdown with funds

For his part, Gil Enseñat rejected that the agency has received information from the EPA or the federal government in which it is indicated that they are going to stop reconstruction funds because the government does not have the capacity to handle the debris.

"If that were the case we could not do anything; Puerto Rico has some problems that did not come as a result of Hurricane Maria. They come years dragging them, which are problems of solid waste that were exacerbated in the last four years and ended with the closure of landfills, "he said.

He noted that federal housing is the one that defines the guidelines for the government to benefit from the program. "We are considering recycling and I am a faithful believer in recycling; Yes, we are implementing what is concrete recycling so that it can be used in any construction, "he said.

He added that "the most we can use as recycling is used and what is not, we must have it". However, he did not specify if there was any plan to dispose of solid waste.

According to the study of damages caused by hurricane Maria, it is estimated that 300,000 homes were impacted and that 60,000 are considered total losses. In addition, local housing has reiterated that complete communities will have to be relocated due to the impossibility of rebuilding in flood zones.

#### The environmentalists are concerned

The government's action plan was questioned by a member of the board of directors of Garra Cero, Maritilde Román and environmentalist Juan Rosario. They agreed that the management of CDBG-DR funds should be accompanied by an environmental impact analysis.

Román said that after the hurricanes the organization had to concentrate on reducing and avoiding the generation of waste, instead of implementing recycling. In fact, Trash Cero filed a letter to federal Housing where he denounced that the action plan of the local government omits the management of solid waste in the reconstruction.

"When we read the draft - at that time - of the proposal for many of the CDBG-DR funds, we found absolutely nothing. We found a plan of how they were going to work with housing, but part of the housing is their infrastructure and part of the housing is how the structure of the collection and management of solid waste is organized, "he said."

"After María and before the landfill crisis, we must then have a plan next to the reconstruction or construction of houses," he added.

Meanwhile, Rosario said that if "the federal government is going to allocate thousands of dollars in the reconstruction of Puerto Rico, that requires a plan and that plan needs an analysis of what the environmental impacts will be."

"If they are going to work on the reconstruction of things that were destroyed, they are going to handle a lot of waste and that waste has to go somewhere," he added.

The start of the hundreds of projects and the awarding of auctions to contractors by Housing will not begin until 2019, according to versions of the agency and several mayors.

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VI DAILY NEWS

Government agrees to pay wastewater plant operator

Suzanne Carlson

December 7, 2018

The Virgin Islands government has agreed to pay the \$5.6 million owed to the operator of two public wastewater treatment plants, averting a potential public health crisis after the company threatened to cease operations because of nonpayment.

The company, VWNA Caribbean, a wholly owned subsidiary of Veolia Inc., entered into a contract with the local government in 2004 to design and build wastewater treatment plants on St. Croix and St. Thomas and operate them continually for 20 years.

The contract is part of a 34-year-old consent decree between the V.I. Waste Management Authority and the federal government, a result of the V.I. government previously violating the Clean Water Act.

The company completed construction on the plants in 2007 and operated them for years, but the government stopped paying for services in 2016, racking up millions in overdue payments.

The company filed a complaint in the consent decree case in U.S. District Court in July, seeking \$5.6 million in overdue payments from the V.I. government, plus interest and court fees, and charged the government with ignoring its contractual responsibilities and putting the territory's populace at risk.

The V.I. Waste Management Authority said it was evaluating the possibility of taking over operation of the treatment plants from Veolia in an effort to cut costs.

The local government's failure to pay was not only a breach of contract and the consent decree, "that breach has extremely serious environmental implications because VIWMA and the V.I. government are not qualified to manage and operate the plants themselves so as to ensure compliance with pollutant discharge limits," according to the complaint filed by Veolia. "By assuming those responsibilities, the V.I. government and VIWMA will impair the health and safety of the residents of the Virgin Islands."

The authority's management plan never materialized, and instead, the government will finally pay its overdue debt to the company, according to court documents filed Nov. 28.

"As of the date of this filing, Veolia and VIWMA have reached terms, supported by a term sheet delivered to VIWMA by Veolia on November 27, 2018, and accepted by VIWMA on November 28, 2018, that allows for the continued operation of the Red Point STT-WWTP and the STX-WWTP," according to documents filed in U.S. District Court by attorney Robert Goldsmith III, who is representing the waste management authority. "The parties intend to immediately begin drafting a contract amendment to memorialize the term sheet and bind the parties going forward. The terms include payment of the arrearage and payment for ongoing operations on a revised payment plan, among other terms that enable each party to better meet its respective mission and obligations with respect to the STXWWTP and the STT-WWTP."

The federal government filed suit against the territory in 1984 following failures at sewage treatment plants "which caused untreated sewage to be discharged into territorial waters and soils," according to court documents. The decree was entered into in 1985.

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ST. CROIX SOURCE

Climate Change in Virgin Islands Gets Renewed Focus

By Donald Buchanan

December 6, 2018

The U.S. Virgin Islands government's focus on global climate change has been spotty in the 21st century but two intense hurricanes and a federal report may strengthen the focus again.

In a statement forwarded this week to the Source by his transition team, Governor-elect Albert Bryan said he "agrees changing climate is one of the critical issues confronting the Virgin Islands' economy."

The statement noted Gov. Kenneth Mapp's administration at one point had a climate change coordinator.

"We trust the findings of this last National Climate Assessment was anticipated and mitigation plans were included in the infrastructure projects already underway," Bryan said in the statement.

Concerns of local environmentalists have also intensified.

"The mid-level projections mentioned in the article put Christiansted, Frederiksted, and many low lying areas underwater. Limetree Bay too, which is especially scary because that then means that everything in their facility will further contaminate the surrounding land and water," said Jennifer Valiulis, acting executive director, St. Croix Environmental Association, talking to the Source this week.

"A combination of mitigation and adaptation are the keys to dealing with climate change," she continued. "Mitigation involves getting serious about reducing our carbon output. We need to invest more in renewable energy and make it accessible and affordable for everyone."

In 2007, after the movie "Inconvenient Truth" became popular, the V.I. government campaigned alerting residents about how they could mitigate climate change (use less fossil-fuel created energy) and the costliness of adaption efforts (building a sea wall along Veteran's Drive in Charlotte Amalie). The V.I. Energy Office was recognized by SEA with its Good Government Award for 2007.

Those efforts gained strength when Barack Obama was elected president and stimulus funds were available. Funds were used to expand rebate programs for alternative energy systems and energy-efficiency measures. At that time Virgin Islanders were 100 percent dependent on fossil fuel.

By 2014 Karl Knight, Energy Office director at the time, reported fossil fuel consumption was down by 20 percent since 2010. This was due in part to the funds that helped more than 1,000 island home owners put renewable energy systems in their homes and others to purchase energy efficient appliances. The funds also allowed public projects like the solar panels at the Cyril E. King Airport to be completed and energy-efficiency programs at the hospitals. At that time the Virgin Islands government was involved in a federal program, Energy Development in Island Nations (EDIN) with the goal of a 60 percent reduction in fossil fuel use by 2025.

To reach that goal at least one wind farm, possibly two, were proposed. The plans for wind farms have kept coming up in the years since but have not been implemented.

The V.I. Water and Power Authority made progress building solar farms to produce electricity on St. Thomas and St. Croix.

Unfortunately, the solar farm on St. Thomas was destroyed by 2017's double whammy of Cat 5 hurricanes, WAPA also installed reverse osmosis and waste heat recovery systems at its St. Croix power plant.

During the EDIN project, WAPA also began to switch from burning diesel oil to burning propane at its power plants. Propane was cheaper at the time and it puts less carbon dioxide into the atmosphere than burning oil does. However, it is still a fossil fuel and the plan had its critics.

As the stimulus funds went away and the EDIN program wound down in 2014 climate change was not forgotten, but less tangible efforts were seen in the Virgin Islands.

Seminars and conferences continued. But the consequences always seemed far off until last year.

"With increased ocean temperatures, we may get less storms, but the storms that do form are going to monsters, and most of the time category 3 or higher," said Ryan Boyles, deputy director for the Southeast Climate Science Center, at an August 2017 conference at University of Virgin Islands.

Within six weeks of that prediction two Category Five hurricanes – Maria and Irma – devastated the Virgin Islands.

The scientific report, issued Nov. 23 by 13 federal agencies, presented the starkest warnings to date of the consequences of climate change for the islands. Although the report shows a scientific consensus that climate change is linked to carbon dioxide in the atmosphere, Donald Trump and other fossil fuel advocates say they don't believe it.

Shawn-Michael Malone, the V.I. federal affairs coordinator focusing on climate change for the Mapp administration, said in February 2017 the territory should expect to see policy recommendations make their way to the Virgin islands Legislature in the next year to 18 months. On Tuesday the Source contacted the Senate President's office Tuesday and learned that no such bills have been submitted to the Committee of the Whole as yet. One could be being held in a committee, the Senate President's office said.

The Virgin Islands could be seen as a microcosm of the dilemma facing the world as it comes to grips with climate change. The announcement this year that the refinery will reopen on St. Croix has been greeted enthusiastically by most residents and government officials. When the Hovensa refinery was closed in 2012, more than 2,000 jobs were lost and the government lost a big chunk of its tax base.

However, SEA's Valiulis says, "The reopening of the oil refinery was a big step backward for climate change mitigation in the territory."

According to the Bryan transition team's statement, "The incoming administration understands the threats and is committed to supporting climate-resilient infrastructure and has charged the transition team, especially the Energy, Environment and Infrastructure assessment team and the Hurricane Recovery assessment team, with providing recommendations on immediate action items."

The U.S. Global Change Research Program has been producing a climate change assessment every four years since 2006. Last month's report contained a chapter devoted to the "U.S. Caribbean," the first time the region was included.

Since 1950, average temperatures recorded for Puerto Rico have risen by 1.5 degrees Fahrenheit. Global climate models project an increase of another 1.5 degrees to four degrees by 2050 and as high as nine degrees by the end of the century.

Meanwhile, from 2000 to 2017 scientists have measured a sea level rise for the U.S. Caribbean of 0.24 inches. Scientists expect the water to continue to rise at an accelerating rate.

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### National News

## The Daily Beast: EPA Cuts Livestream of Press Conference on Future of Coal as Q&A Begins

https://www.thedailybeast.com/epa-cuts-livestream-of-press-conference-on-future-of-coal-as-ganda-begins

At an Environmental Protection Agency press conference Thursday announcing new relaxed coal regulations, an EPA official signaled for the video live feed to end just as Acting Administrator Andrew Wheeler began to take questions from reporters. The new regulations will loosen CO2 emissions standards for new coal-fired power plants, making it cheaper to build new coal plants in the United States. The roll-out eliminates Obama-era restrictions on new coal plants that required them to include carbon capture systems. Wheeler, a former coal lobbyist, argued that the systems, which are not yet used on a commercial scale, are "prohibitively expensive." Nearly 40 percent of U.S. coal plants have shut down since 2010.

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## Overnight Energy: Senate confirms controversial energy pick | EPA plans rollback of Obama coal emissions rule | GOP donor gave Pruitt \$50K for legal defense

https://thehill.com/policy/energy-environment/overnights/420185-overnight-energy-senate-confirms-controversialenergy

BY MIRANDA GREEN - 12/06/18 08:20 PM EST 0

SENATE CONFIRMS CONTROVERSIAL NOMINEE: The Senate confirmed President Trump's pick for a key energy agency Thursday over Democrats' objections that he is too biased for the job.

The 50-49 vote along party lines means Bernard McNamee, a Republican and former high-ranking political official at the Energy Department under Trump, can take his spot on the five-person Federal Energy Regulatory Commission (FERC).

GOP Sen. Thom Tillis (N.C.) was absent from the floor vote.

Why Democrats opposed McNamee: McNamee's history in the Trump administration and working for the conservative Texas Public Policy Foundation have raised significant objections from Democrats that he can't live up to the expectation that FERC commissioners should be independent and neutral when it comes to energy fuel sources.

He has been an outspoken advocate of fossil fuels, harshly criticized renewable energy and cast doubt on the science of climate change, including in a video of a speech that surfaced in recent weeks. McNamee also served a key role in pushing the Trump administration's ongoing attempts to bail out coal and nuclear power plants.

"He has lied about how the renewable energies impact the electric grid. He has called support for clean energy 'organized propaganda,' and pitched the debate between fossil fuels and renewables in his words as a clash between liberty and tyranny," Senate Minority Leader Charles Schumer (D-N.Y.) said on the Senate floor Thursday before the vote. "My Republican friends, these words sound absurd."

"At a time when average Americans are feeling the devastating effects of climate change right now, we should not elevate someone so biased in favor of fossil fuels that caused these problems in the first place," he added.

The GOP view: To Republicans, McNamee is a highly qualified candidate who knows how to keep his personal opinions in check.

"His obvious qualifications and his commitment to fairness and impartiality earned him a bipartisan vote out of the Energy and Natural Resources Committee last month with a favorable recommendation," said Senate Majority Leader Mitch McConnell (R-Ky.).

A notable vote flip: That bipartisan committee vote was due to Sen. Joe Manchin (D-W.Va.), who told McNamee in his confirmation hearing that he supports his past statements on fossil fuels and coal.

But Manchin voted against his confirmation due to the video, first published by Utility Dive, and McNamee's apparent doubt of climate change science.

"After viewing video footage, which I had not previously seen, where Bernard McNamee outright denies the impact that humans are having on our climate, I can no longer support his nomination to be a FERC commissioner," Manchin said in a statement Wednesday, after voting against a procedural motion to move forward on the confirmation.

"Climate change is real, humans have made a significant impact, and we have the responsibility and capability to address it urgently," Manchin said.

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## E&E News: Even EPA doubts weakened rules will spur struggling industry

https://www.eenews.net/climatewire/stories/1060109015/search?keyword=epa Benjamin Storrow- December 7, 2018

A tiny 17-megawatt power plant at the University of Alaska, Fairbanks, is currently the only coal-fired plant on the drawing board in America — and EPA's proposed loosening of emissions standards yesterday to help President Trump's favorite fuel source is unlikely to change that.

EPA itself acknowledges that.

"Even under the emissions limits included in this proposal, new fossil fuel-fired capacity constructed through 2026 and the years following is expected to be natural gas capacity," the agency says in an economic analysis of its updated standards.

The statement demonstrated the growing divide between Washington and the American power sector.

EPA has committed to scrapping emission rules implemented under President Obama, as part of a wider effort by Trump to revive the struggling coal industry.

But power companies are giving Washington the cold shoulder. Coal plant retirements are nearing 14 gigawatts this year, the second highest annual total ever, and domestic coal consumption is projected to hit its lowest level since 1979 this year.

Those trends have been underlined by two recent developments. On Tuesday, Xcel Energy Inc. announced a plan to cut carbon emissions 80 percent by 2030 and eliminate them by midcentury (Climatewire, Dec. 5).

Xcel's move followed Northern Indiana Public Service Co.'s announcement in September that it would retire its oncemighty coal fleet in the next decade (Climatewire, Sept. 21).

Coal supporters acknowledged the bleak market outlook and conceded that EPA's move is unlikely to unleash a wave of coal plant construction. They nevertheless framed the administration's emission plan as a win.

"This is not a grand slam home run that ended the game and coal wins, but it is a major step forward for coal and its acceptance in the U.S.," said Fred Palmer, a former executive at Peabody Energy Corp. who recently established a new website to advocate for the industry, burnmorecoal.com.

"It's a long game, with the other side having more points on the board right now."

The EPA proposal removes the requirement that new coal facilities install carbon capture and storage technology. The agency deemed the technology unproven. It also increased the emissions limit for large plants from 1,400 pounds of carbon per megawatt-hour to 1,900 pounds (Greenwire, Dec. 6).

While the rule is unlikely to convince utilities to build new power plants today, it removes an obstacle for new facilities if economics of the power market shift, Palmer said.

But Bruce Nilles, a senior fellow at the Rocky Mountain Institute, a clean energy think tank, said it's hard to imagine what that change would be.

"The cost of sun has been fixed for a million years, and I can tell you what it will be for 100 years," Nilles said, alluding to renewables' zero fuel cost. "It exposes the administration for what it is. It doesn't care about changing anything for anyone else there. It's a complete distraction. It's not going to change the fundamentals."

EPA's proposal comes amid international climate talks in Poland and follows reports of a rapid increase in global carbon emissions.

Palmer said he didn't know whether the administration's move was intended as a thumb in the eye of global climate hawks, "but it will be construed that way."

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## E&E News: Republicans say rollback paints rosy picture for coal\

https://www.eenews.net/eedaily/stories/1060109037/search?keyword=epa Nick Sobczyk, - December 7, 2018

Some Senate Republicans see a rosy future for the coal industry after another EPA rule rollback, but the agency's economic analyses paint a more skeptical picture.

Senate Majority Leader Mitch McConnell (R-Ky.) said the agency's proposal to relax emissions control requirements for new and modified power plants would put coal on a "level playing field."

Sen. Jim Inhofe (R-Okla.), a leading climate skeptic, called the proposal a "wise decision" and said he sees a revival for the industry in the future.

"I think they're making strides in their technology, clean coal technology, and I think it will continue to be part of the mix," Inhofe said.

Sen. Steve Daines (R-Mont.) took a similar line, describing the Obama-era rule EPA is now proposing to replace as "regulating by having the tail wagging the dog."

"Their standards were unattainable and did nothing to clean up the environment and instead killed high paying jobs," Daines said in a statement. "Today's action by the Trump administration will help save Montana jobs and help create affordable and reliable energy across the country."

EPA's own economic analysis, however, appears to belie those predictions.

The agency plans to replace its New Source Performance Standards for carbon emissions from new and modified power plants.

The draft rule, unlike the Obama administration's 2015 standard it would replace, does not consider carbon capture and storage technology as the best way for new coal plants to cut their emissions. New power plants are instead expected to control emissions through efficiency improvements.

EPA predicts its proposal will have negligible economic or greenhouse gas emission effects, largely because new coalfired power plants are unlikely to be built, barring a precipitous spike in natural gas prices.

"We expect that new [electric utility generating units] will not likely choose coal-fired generation due to expected economic conditions, and thus this proposed change in the standard will not affect the emissions profile of these units," the agency wrote in an economic analysis of the proposal.

Still, EPA argues the CCS technologies the previous rule required are "unproven," and conservatives say the Obama-era regulation would have effectively banned all new coal generation by executive mandate.

Coal will at least have a chance if natural gas prices fall, as opposed to the Obama-era strategy, which was to "shoot the wounded," said Marlo Lewis, senior fellow at the Competitive Enterprise Institute.

The rule is also a legal steppingstone for the Clean Power Plan — and its proposed replacement — even if it has few tangible benefits. Indeed, the original Obama rule was predicted to have a similarly small impact on whether new coal plants would be built.

"I'm going to need to see exactly what they've done, but I know the punishing regulations of the last administration made it a lot harder for us to use American energy," Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) told reporters yesterday.

'A dumb, dumb move'

Democrats, meanwhile, see the proposal as another talking point for the Trump administration, though they stopped short of calling for a repeal via the Congressional Review Act, as they did when EPA rolled out its replacement for the Clean Power Plan (E&E News PM, Aug. 21).

EPW Committee ranking member Tom Carper (D-Del.) said it's "ironic" that the administration moved on the proposal just after the release of the latest National Climate Assessment and during U.N. climate talks currently going on in Poland.

"The administration's just tone-deaf to that," Carper said. "I'm not sure, as time goes by, how seriously people are taking the administration on this issue."

Acting EPA Administrator Andrew Wheeler, for his part, said he was briefed on the climate assessment yesterday morning and is taking it seriously, pointing to the agency analysis that shows little if any effect on emissions.

Outside of any potential climate effects, though, Sen. Sheldon Whitehouse (D-R.I.) said he is concerned that relaxing the standards could undermine bipartisan work on CCS technologies.

Whitehouse helped lead a successful effort, along with Barrasso and Sens. Heidi Heitkamp (D-N.D.) and Shelley Moore Capito (R-W.Va.), last year to expand tax credits for CCS.

"I also think it significantly undermines the credibility of the industry," Whitehouse said. "This is one of those things where sometimes it's important to think through what you tell your lackeys to do before they go off and do things where you kind of overplay your hand. I think this is a dumb, dumb move."

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### Politico: 'Significant' questions buried in EPA proposal

https://www.politico.com/newsletters/morning-energy/2018/12/07/significant-questions-buried-in-epa-proposal-445263

By KELSEY TAMBORRINO (<a href="mailto:ktamborrino@politico.com">ktamborrino@politico.com</a>; @kelseytam)12/07/2018 10:00 AM EST With help from Alex Guillén, Annie Snider, Anthony Adragna, Ben Lefebvre and Toby Eckert

Editor's Note: This edition of Morning Energy is published weekdays at 10 a.m. POLITICO Pro Energy subscribers hold exclusive early access to the newsletter each morning at 6 a.m. To learn more about POLITICO Pro's comprehensive policy intelligence coverage, policy tools and services, click here.

SIGNIFICANT FIGURES: While EPA's latest bid to ease carbon rules for new coal-fired power plants isn't going to reverse the decline of coal in the U.S., environmentalists are ringing alarm bells over some of the fine print in the new proposal, Pro's Alex Guillén reports.

EPA asks for input on several wonky issues that greens say could make it easier for other emitters to avoid future climate rules — or allow the agency to revoke existing ones. At root is the question of whether power plants "significantly contribute" to carbon dioxide — something that has never been formally defined by Congress nor EPA. Conservatives often argue that U.S. policies to reduce carbon emissions would have a negligible effect on global temperatures given the growth in emissions from other countries.

By posing the questions the way it did, the Trump administration appears to be looking for a legal rationale to justify relaxing carbon limits, said Bob Perciasepe, president of the Center for Climate and Energy Solutions and a former deputy and acting EPA administrator in the Obama administration. "Most of those questions are designed to make it possible ... for them to do very little, or maybe nothing," Perciasepe said.

Acting EPA Administrator Andrew Wheeler signs a proposal withdrawing an Obama era emissions standards policy, at the EPA Headquarters in Washington, Thursday, Dec. 6, 2018. (AP Photo/Cliff Owen)
Acting EPA Administrator Andrew Wheeler signs a proposal withdrawing an Obama era emissions standards policy, at the EPA Headquarters in Washington, Thursday, Dec. 6, 2018. (AP Photo/Cliff Owen)

America's latest export: EPA's own proposal notably concludes that this deregulatory effort is unlikely to lead to many, if any, new coal plants in the U.S. But as for the rest of the world, acting Administrator Andrew Wheeler hopes that raising the domestic limit will prompt companies to develop even more efficient designs that can be sold to developing countries that are building new coal. "I would love to see all the coal plants being built in China and India meet our standard we're going to propose today," he said. "By allowing U.S. ingenuity to continue to develop new technologies, we can provide those technologies for export to other countries so that other countries have cleaner burning coal-fired power plants. Whether the plants are built here or not, the technologies are designed here and exported other places."

Look for this to come up again: Additional questions will likely be posed to Wheeler once House Democrats settle into their new roles next session. Democratic Rep. Don Beyer, vice ranking member of the Science Committee, warned Thursday: "Enjoy it while you can, @EPAAWheeler. When you face questions in oversight hearings next year about your horrible policies that make climate change worse we will not be turning the cameras off."

FINALLY FRIDAY! I'm your host, Kelsey Tamborrino. Duke Energy's Michael Sewell was first to correctly identify New York as the first state to require license plates on cars — although as many of you pointed out, Massachusetts was the first place where plates were issued. For today: Who was the first, first lady born in a foreign country? Send your tips, energy gossip and comments to <a href="mailto:ktamborrino@politico.com">ktamborrino@politico.com</a>, or follow us on Twitter @kelseytam, @Morning\_Energy and @POLITICOPro.

#### **INSIDE THE AGENCIES**

PRUITT DEFENSE FUND BACKED BY WISCONSIN DONOR: Former EPA Administrator Scott Pruitt's legal defense fund, which was set up while he faced a dozen federal investigations, received a \$50,000 cash donation from GOP donor and Wisconsin roofing billionaire Diane Hendricks, Pro's Zack Colman reports. EPA ethics official Justina Fugh wrote in a financial disclosure report released Thursday that Pruitt did not seek ethics advice from the agency before accepting the contribution, which was "believed to be in cash."

CSAPR CLOSED OUT: EPA finalized its finding that upwind states that emit smog-forming pollutants have done enough to improve their downwind neighbors' air quality, even as East Coast states say they want more, Alex reports.

#### WATER

WOTUS TRAIN A-COMING: The Trump administration is expected to release Tuesday its proposal defining which streams and wetlands are federally protected under the Clean Water Act, according to a source with knowledge of the plans. Details of the proposal, which would replace the Obama administration's WOTUS rule, are being held close to the vest, but expect the regulation to leave out streams that flow only after rainfall — which comprise the vast majority of streams in western states like Arizona. And the number of wetlands regulated by EPA and the Army Corps is also likely to be sharply reduced, as the agencies peg the new rule to late Supreme Court Justice Antonin Scalia's 2006 opinion calling for only wetlands with a surface connection to larger waters to be counted.

But don't expect any changes on the ground yet: The fiercely controversial proposal will still have to go through public notice and comment, and is expected to face legal challenges if finalized, as the Obama-era rule currently is. That 2015 rule is in effect in half the states right now and judicially stayed in the other half.

#### ON THE HILL

SCHUMER: NO INFRASTRUCTURE WITHOUT ADDRESSING CLIMATE CHANGE: Senate Minority Leader Chuck Schumer drew a line in the sand on infrastructure in an op-ed last night in The Washington Post. In the next Congress, the New York Democrat argued infrastructure could be an area of compromise between the two parties — but said addressing climate change must be part of the calculation. "Democrats will have an extraordinary opportunity to force action on climate change," he wrote. "Not only will House Democrats have the power to propose, debate and pass progressive legislation on the subject, but Senate Democrats will have substantial leverage as well." He listed investment in renewables, a climate-resilient electric grid and permanent tax cuts for clean energy as potential areas to address the issue. Schumer also sent a letter to President Donald Trump on climate change, Pro's Anthony Adragna reports.

DEMOCRATS LINE UP BEHIND MANCHIN: Schumer's climate demands come amid protests from some environmentalists over the likely elevation of coal-friendly Joe Manchin to the top Democratic spot on the Energy committee, but Democratic senators are coming around to the idea, Anthony reports. "Joe and I don't see on eye-to-eye on a lot of issues, but he's a really important member of our caucus. He wouldn't be the only leader on issues of climate," Sen. Chris Murphy told reporters. Similarly, Sen. Cory Booker said: "I have a lot of confidence I can work with him to fight for a far more aggressive agenda for dealing with the planetary crisis of global warming."

'THINK BIGGER': ME caught up with Sen. Martin Heinrich following votes Thursday and he urged his party to think more boldly about addressing climate change. "We've been relatively incremental in our approach to those things," he said. "Some of that has been really important — we have built huge industries in solar and wind — but it's not enough to meet the scale of the problems we're seeing right now, so we need to think bigger yet again." He praised backers of the Green New Deal for kicking off a "fantastic conversation" and stressed the need for an approach that makes "sure that the benefits flow to the people who need it the most, not the people who already have theirs." He declined to address whether he had concerns about Manchin's potential promotion on the Energy Committee.

GET THE SPENDING SHOW ON THE ROAD: Count the senators responsible for the EPA-Interior spending title as supporters of Minority Leader Nancy Pelosi's suggestion to pass all the other appropriations bills where there's agreement — leaving just the border wall fight in the Homeland Security section. "I would certainly be one of those that says, 'Let's get as much of our business done as we possibly can' and not hold things over," Sen. Lisa Murkowski, who leads the subcommittee responsible for EPA and Interior funding, told reporters. "CRs are not a good way to do business." Her counterpart, Sen. Tom Udall, agreed but said the president seemed to be threatening to veto any spending bills without wall funding. Both said several disputed issues in their section could not be addressed until there was an overarching broad agreement about the package.

LOOK AT ALL THE FROSH: POLITICO Pro DataPoint just published a series of biographies on the 116th House and Senate freshman class. The collection of graphics includes vital information about the members-elect — careers prior to being elected to serve on the Hill, campaign platform promises, key support and endorsements.

#### OIL AND GAS

ROLE REVERSAL: The U.S. is — for now, at least — a net exporter of crude oil and finished fuel, according to the latest data from the Energy Information Administration. More than 9 million barrels a day of crude oil, gasoline, diesel and other petroleum products left U.S. ports during the week ending Nov. 30, compared to 8.8 million barrels a day coming in. There's two caveats: The country still imports more oil than it exports, and the "net exporter" label could peel away next week depending on market sentiment. But all trends show that label will eventually stick, adding what must be amid the worries plaguing OPEC member countries meeting in Vienna this week. This would be the first time that's happened since at least 1991, when the EIA started keeping track, and possibly 75 years, according to Bloomberg.

Oil in the stockings? As if to stick an exclamation point on the EIA data, the U.S. Geological Survey released a new assessment showing huge volumes of oil in the Permian Basin in West Texas and New Mexico that improved drilling technology has made accessible. The so-called Wolfcamp and Bone Spring areas of the Permian hold 46.3 billion barrels of oil and 281 trillion cubic feet of gas. The area has already attracted huge interest from the industry, and the New Mexico part of the basin contains some of the only federal property that is both onshore and oil-rich. "Christmas came a few weeks early this year," Interior Secretary Ryan Zinke said of the report's findings.

#### **BEYOND THE BELTWAY**

WHO SHOULD REAP THE TAX CUT BENEFITS? In Florida this week, the president of the Florida Chamber of Commerce criticized the state Office of Public Counsel for challenging Florida Power & Light Co.'s decision to retain hundreds of millions in federal tax cuts under the Tax Cuts and Jobs Act of 2017, rather than passing the money along as rate reductions for customers, Pro Florida's Bruce Ritchie reports. Pro's Darius Dixon reported earlier this year on the surge of cash the federal tax law had potential to give utilities.

#### MAIL CALL

EXTENDING THE EXTENDERS FIGHT: Seven groups that are usually on opposite sides when it comes to taxes are teaming up to urge House and Senate leaders to deep-six tax extenders. "Though our organizations span the political spectrum, we all agree that it is time to stop making tax policy one year at a time," said a letter signed by leaders of the centrist Committee for a Responsible Federal Budget; the left-leaning Institute on Taxation and Economic Policy, U.S. Public Interest Research Group and Economic Policy Institute; and the right-leaning Americans for Prosperity, Heritage Action and Freedom Partners.

GOING NUCLEAR: More than 60 environmental groups warned congressional leaders against the inclusion of funding to restart the licensing process for Yucca Mountain in any year-end legislation. "If the licensing process is exhumed, all Congress will have ensured is a reopening of litigation that will take years, if not decades, to resolve," they write.

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## Environmental Defense Fund: EPA Finalizes "Bad Neighbor Rule" Exposing Hundreds of Communities in Eastern States and Texas to Cross-State Air Pollution

Over 36 million people will continue to deal with dangerous ozone levels emanating from upwind states <a href="https://www.edf.org/media/epa-finalizes-bad-neighbor-rule-exposing-hundreds-communities-eastern-states-and-texas-cross">https://www.edf.org/media/epa-finalizes-bad-neighbor-rule-exposing-hundreds-communities-eastern-states-and-texas-cross</a>

Sharyn Stein- December 7, 2018

WASHINGTON, D.C.—Today, the Environmental Protection Agency (EPA) issued a final decision to allow harmful cross-state air pollution to continue unchecked. The decision not to adopt limits on ozone-forming pollution was issued under the interstate transport (or "good neighbor") provisions of the Clean Air Act — provisions intended to ensure that upwind states control harmful air emissions that affect air quality in downwind states. The EPA is forgoing clean air protections despite ozone levels in Eastern states that exceed health standards set in 2008, largely due to air pollution blowing in from coal-fired power plants in upwind states.

49 counties with more than 36 million people in the Eastern United States and Texas suffer from ozone levels that exceed the 2008 ozone National Ambient Air Quality Standards (NAAQS). Ozone exposure at this level and below can result in chronic respiratory diseases like asthma, scarring of the lungs, and premature death, and is particularly harmful to children. The areas of the country that suffer from unhealthy air due to cross-state pollution are disproportionately home to communities of color.

"Instead of following the good neighbor provisions of Clean Air Act, EPA created a bad neighbor rule," said Earthjustice staff attorney Neil Gormley. "People are breathing unhealthy air today; EPA should honor their duty under the Clean Air Act, instead of jumping through hoops to protect polluters from compliance."

The EPA held a public hearing on the proposed determination on August 1 of this year prior to the final rule making, where state governments and conservation groups called on the agency to adopt strong public health protections.

"Being outdoors should never be detrimental to your health," said Georgia Murray, Staff Scientist for the Appalachian Mountain Club. "Yet this action is one of many by the Trump administration that undermines clean air protection and harms all those who work and play outside."

"Not only is EPA failing to protect human health, it is also failing to protect local water quality," said Jon Mueller, Chesapeake Bay Foundation Vice President for Litigation. "Here in the Chesapeake Bay region roughly one-third of the nitrogen pollution entering local waterways and the Bay comes from air pollution. Taking action to reduce harmful air emissions under the 'good neighbor' provision would also help reduce pollution to the Chesapeake Bay, a national treasure."

"Today the Trump administration continues its assault on our children's health by allowing states to send deadly air pollution across state lines," said Matthew Gravatt, the Associate Legislative Director at Sierra Club. "Rather than enforcing the law, the Trump administration is ignoring dozens of monitors showing levels of air pollution that EPA has

deemed unsafe for our children, based on a hollow promise that sometime in the future the air will magically clean itself."

"The Clean Air Act clearly requires EPA to protect Americans in downwind states from unhealthy pollution that blows across their borders. That means EPA has a duty to help downwind states fight this pollution, reduce their smog levels, and keep their citizens safe," said EDF Senior Attorney Graham McCahan.

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### Jurist: EPA proposes changes to coal plant emissions limits

https://www.jurist.org/news/2018/12/epa-proposes-changes-to-coal-plant-emissions-limits/ DECEMBER 7, 2018 10:48:05 AM Brianna Bell

The Environmental Protection Agency (EPA) on Thursday proposed changes to limits on greenhouse gas emissions from coal power plants.

The proposed "Best System of Emission Reduction" would replace a 2015 rule that identified partial carbon capture and storage. The new proposal states partial carbon capture and storage is too costly, with limited geographic availability.

The EPA proposal includes limiting carbon dioxide emissions based on steam cycle. For larger units the emission rate would be limited to 1900 pounds of carbon dioxide per megawatt hour and for smaller units it would be 2,000 pounds. There would also be a separate standard of performance for newly constructed or reconstructed coal units: the emission rate would be 2,200 pounds regardless of the size of the unit.

The EPA is also taking comments on its interpretation of what "causes or contributes significantly to" air pollution and whether the requirement should apply differently in the context of greenhouse gases than for traditional pollutants.

EPA Acting Administrator Andrew Wheeler released a statement accompanying the proposal:

Consistent with President Trump's executive order promoting energy independence, EPA's proposal would rescind excessive burdens on America's energy providers and level the playing field so that new energy technologies can be a part of America's future. ... By replacing onerous regulations with high, yet achievable, standards, we can continue America's historic energy production, keep energy prices affordable, and encourage new investments in cutting-edge technology that can then be exported around the world.

Many environmentalists oppose the proposed changes. Representative Don Beyer from Northern Virginia tweeted that the proposed changes are: "Absurd, dangerous incompetence."

The comment period will be open for 60 days once it is officially released on the Federal Register, and a public hearing will be held.

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# Quartz: The EPA chief's claims about coal's health impact contradict reports from his own agency

https://qz.com/1488072/coal-isnt-good-for-human-health-despite-epa-heads-claims/ By Nicolas Rivero45 minutes ago

In a ceremony on Thursday (Dec. 6), the acting administrator of the US Environmental Protection Agency, Andrew Wheeler, commemorated his decision to relax regulations on coal emissions. Asked by a reporter about coal's environmental and health impacts, Wheeler said it's the cheapest form of electricity, adding that "having cheap electricity helps human health."

Wheeler, a former coal lobbyist, appeared to be arguing that affordable heating and cooling protects public health. But scientific research has demonstrated that burning coal releases toxic pollutants such as mercury, lead, and arsenic, which in turn cause maladies like lung cancer, leukemia, cardiovascular disease, and miscarriage.

In fact, an analysis from Wheeler's own agency (pdf) predicted that the new, relaxed coal regulations could cause up to 1,400 premature deaths each year by 2030. The report also predicted 9,000 new annual cases of upper respiratory problems, 48,000 new annual cases of "exacerbated asthma," 21,000 missed school days and 42,000 missed work days because of air pollution each year by 2030.

For comparison, heat killed 107 Americans in 2017. Of course, the planet is expected to get significantly hotter if humans don't curb behaviors that pump carbon into the atmosphere—like, say, burning coal.

The Union of Concerned Scientists points out that most of coal's harmful emissions "can be reduced through pollution controls—sometimes by a significant amount." But these controls are expensive; under Donald Trump, the EPA has made it a priority to pare back costly regulations.

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## WPM: Trump's EPA Looks To Keep Coal-Fired Power Plants Alive

http://www.wyomingpublicmedia.org/post/trumps-epa-looks-keep-coal-fired-power-plants-alive#stream/0 By COOPER MCKIM • 4 MINUTES AGO

The U.S. Environmental Protection Agency announced revisions on an Obama-era regulation limiting carbon dioxide emissions from new power plants. The EPA wrote that the rule discouraged new coal development by requiring unproven carbon capture technology. Wyoming Mining Association's Travis Deti said there's still a lot of uncertainty around coal, but this deregulation could help that.

"If it goes through, we'll be able to build some new coal-fired power plants. Whether utilities decide to do that, it's an onerous regulation out of the way," he said.

The Trump Administration has sought to improve the outlook for coal despite the competition from natural gas and renewables, and the concern for how coal contributes to climate change. Earlier this year, the Department of Energy looked to provide a subsidy to keep coal-fired power plants alive.

But Clark Williams Derry, the director of energy finance at Sightline Institute, an environmental research center, said this revised EPA performance standard likely won't have an impact.

"[Coal-fired power plants are] under pressure because they're just not economical. No little tweak around the edges of the regulatory system is going to actually change that," he said.

Several reports show coal is still on its way out due to increasingly competitive natural gas and renewables. Nearly 40 percent of the existing coal fleet has already retired or is set to retire, according to the American Coalition for Clean Coal Electricity. The rate of coal plant retirements doubled in 2018 from last year, according to S & P global market intelligence. A recent presentation from Pacificorp's showed many of its coal units are more expensive than alternate options.

The EPA will open two months of public comment once the revised rule is posted in the federal register. BACK TO TOP

### The Hill: EPA to propose easing Obama water rule

https://thehill.com/policy/energy-environment/420308-epa-to-re-write-definition-to-shrink-pollution-protections-on BY MIRANDA GREEN - 12/07/18 03:00 PM EST

The Trump administration is poised to ease an Obama-era water rule, shrinking the number of waterways that are protected from industry pollutants.

The Environmental Protection Agency is expected to propose changing the definition of "Waters of the U.S." to erase federal protections on some waters. The change would cover wetlands not connected to larger waterways or riverbeds that only flow after rainfall, according to an EPA outline obtained by E&E News.

The Trump administration has long sought to weaken the burdens placed on industry under the Waters of the U.S. rule, known as WOTUS and established under former President Obama in 2015. The rule defines which bodies of water are subject to federal jurisdiction under the Clean Water Act.

The Clean Water Act was first established in the 1970s to give the federal government authority to regulate pollution discharges into waterways.

In June 2017, the EPA first announced steps to uphold President Trump's campaign promise to repeal and replace the 2015 regulation. Trump took aim at the rule during his presidential campaign, calling WOTUS "one of the worst examples of federal regulation."

The proposal said federal officials would go back to enforcing a guidance document from 2008 when deciding whether a waterway is subject to federal oversight for pollution control purposes.

In February of this year, the EPA under then-Administrator Scott Pruitt suspended the WOTUS rule from implementation for two years, promising to rewrite it to "reduce confusion and provide certainty to America's farmers and ranchers."

But in August that decision was put on a hold by a judge in 26 states.

The federal judge for the District Court of South Carolina ruled with environmentalists that the administration failed to seek public comment on the substance of the rule or the implications of delaying the regulation by two years.

However, injunctions from district courts in North Dakota and Georgia kept the rule from being re-implemented in 24 states.

The Obama rule, written in 2015 and known as the Clean Water Rule, was highly controversial.

It was intended to clarify that small waterways like ponds and headwaters can be protected. But agriculture, developers and other industries complained that it was too far-reaching and would subject huge swaths of land to federal oversight.

"Farmers, ranchers, landowners, and other stakeholders are counting on EPA to listen to their input when it comes to defining 'waters of the United States,'" Pruitt said in a statement in June.

This latest rule would be a proposed replacement of WOTUS, although the administration is still seeking options to repeal it in its entirety.

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## CBS: Trump EPA acts to roll back control on climate-changing coal

https://www.cbsnews.com/news/trump-epa-acts-to-roll-back-control-on-climate-changing-coal/ December 7, 2018, 3:36 PM

The Environmental Protection Agency acted again to ease rules on the sagging U.S. coal industry, this time scaling back what would have been a tough control on climate-changing emissions from any new coal plants.

The latest Trump administration targeting of legacy Obama administration efforts to slow climate change comes in the wake of multiplying warnings from the agency's scientists and others about the accelerating pace of global warming.

In a ceremony at the agency, acting EPA administrator Andrew Wheeler signed a proposal to dismantle a 2015 rule that any new coal power plants include cutting-edge techniques to capture the carbon dioxide from their smokestacks. Wheeler called the Obama rules "excessive burdens" for the coal industry.

"This administration cares about action and results, not talks and wishful thinking," Wheeler said.

Asked about the harm that coal plant emission do people and the environment, Wheeler responded, "Having cheap electricity helps human health."

Janet McCabe, an EPA air official under the Obama administration, and others challenged that. MaCabe in a statement cited the conclusion of the EPA's own staff earlier this year that pending rollbacks on existing coal plants would cause thousands of early deaths from the fine soot and dangerous particles and gases.

The EPA was "turning its back on its responsibility to protect human health," McCabe said Thursday.

Environmentalists, scientists and lawmakers were scathing, saying the Trump administration was undermining what they said should be urgent efforts to slow climate change.

The EPA and 12 other federal agencies late last month warned that climate change caused by burning coal, oil and gas already was worsening natural disasters in the United States. It would cause hundreds of billions of dollars in damage each year by the end of the century, the government's National Climate Assessment said.

"This proposal is another illegal attempt by the Trump administration to prop up an industry already buckling under the powerful force of the free market," Sen. Sheldon Whitehouse, a Rhode Island Democrat and member of the Senate Environment and Public Works Committee, said in a statement.

"Did the EPA even read the National Climate Assessment?" Whitehouse asked.

It's unclear whether the new policy boost will overcome market forces that are making U.S. coal plants ever more unprofitable.

Competition from cleaner, cheaper natural gas and other rival forms of energy has driven down coal use in the United States to its lowest level since 1979, the Energy Information Administration said this week. This year will see the second-greatest number of U.S. closings of coal-fired power plants on record.

Senate Majority Leader Mitch McConnell, a Kentucky Republican, said the EPA's action Thursday was "targeting another regulation that would have made it nearly impossible to build any new plants."

Citing that and other Obama administration moves to tamp down emissions from coal-fired power plants in the national electrical grid, McConnell called the proposal "a crucial step toward undoing the damage and putting coal back on a level playing field."

Other Trump administration initiatives rolling aback climate change efforts would undo an Obama plan intended to shift the national electrical grid away from coal and toward cleaner-burning solar and wind power, and would relax pending tougher mileage standards for cars and light trucks.

Jay Duffy, a lawyer with the Clean Air Task Force environmental nonprofit, called the level-playing field argument of the administration and its supporters "laughable."

"In every rulemaking, they're placing their thumbs on the scale to prop up coal, at the expense of public health and the environment," Duffy said.

Speaking alongside Wheeler at a news conference, Michelle Bloodworth of the coal industry group America's Power contended the new rollback could throw a lifeline to domestic coal-fired power producers.

"It does appear that this proposal would make it feasible for new coal plants" to be built, Bloodworth said. BACK TO TOP

## Chicago Tribune: New EPA tests near Sterigenics show ethylene oxide cancer risks haven't disappeared

https://www.chicagotribune.com/news/local/breaking/ct-met-sterigenics-epa-new-air-testing-cancer-20181207-story.html

Michael Hawthorne-December 7, 2018

Another round of air monitoring near Sterigenics detected alarming levels of cancer-causing ethylene oxide near the west suburban facility, but federal officials cautioned Friday that they need more information before deciding if neighboring communities are still at risk.

Spikes of the highly toxic chemical were detected in samples collected during three days in mid-November at Willowbrook Village Hall and a U.S. Environmental Protection Agency warehouse, according to results posted online by the EPA. Both monitors are close to a pair of buildings off Illinois Route 83 and Interstate 55 where Sterigenics uses ethylene oxide to sterilize medical equipment, pharmaceutical drugs and food.

The highest average level of ethylene oxide detected during a 24-hour period was 6.62 micrograms per cubic meter of air, more than three times greater than the amount that federal officials relied on earlier this year to calculate potential cancer risks in the area.

However, six other monitors — located at schools and in nearby residential areas — did not register measurable amounts of ethylene oxide during the same testing period, the EPA reported.

The latest results are the first posted since the company installed new equipment intended to reduce the amount of ethylene oxide leaking from its sterilization chambers. EPA officials said they won't be able to determine if neighbors are in danger until the agency has completed three months of community air monitoring and plugs the results into its computer modeling of pollution emitted by Sterigenics.

Though the new results aren't conclusive, they undercut the company's attempts to discredit the ongoing EPA investigation.

"For months, we've been told that Sterigenics was lowering emissions to levels so low they would be undetectable," the Stop Sterigenics community group said in a Facebook post. "That is clearly untrue."

EPA officials began taking a closer look at Sterigenics in late 2017 after determining that Willowbrook and surrounding communities are among just a few dozen nationwide with unacceptable cancer risks from breathing toxic air pollution. Based on the amount of ethylene oxide the company reported it released in 2014, the EPA estimated the risk of cancer in one census tract near the facility is more than nine times the national average.

In May, three months before the EPA informed community leaders about the pollution problems, the agency collected its first air samples near the sterilization facility. The results suggested the health dangers could be exponentially worse than initially estimated — more than 6 cases of cancer for every 1,000 people exposed.

Amid public outrage and under intense pressure from local and statewide officials, the EPA dropped another potential bombshell the day before Thanksgiving: It might have overestimated the amount of ethylene oxide in its May air samples by failing to discern a related chemical in its analysis.

"EPA disclosure ... clearly reveals report was based on flawed data," Sterigenics said in a news release posted on its website and promoted in Google searches.

The latest air samples were analyzed using a method that ensures the EPA is properly measuring ethylene oxide, also known as EtO. At least one public official said the results show why the government needs to take more aggressive action against the company.

"We now have confirmation that despite Sterigenics' efforts to limit and scrub EtO emissions, the dangerous toxin remains a public health risk for the citizens of Willowbrook and surrounding communities," said U.S. Sen. Tammy Duckworth, one of several Illinois Democrats in Congress who is pushing for more stringent regulations and an independent investigation of the EPA's response to the pollution problems.

What happens next is an important test for the Trump EPA, where political appointees are focused on the president's campaign pledge to eliminate anti-pollution regulations. William Wehrum, the administration's top air official, told a

community forum in Willowbrook last week that the agency plans to overhaul its rules for commercial sterilization facilities, which haven't been updated since 1994. But the timing and details remain unclear.

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